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Floor Debate
March 09, 2007

[LB6 LB73 LB106 LB142 LB143 LB157 LB181 LB190 LB192 LB198 LB213 LB218
LB223 LB232 LB236 LB255 LB263 LB265 LB286 LB290 LB298 LB301 LB303 LB304
LB307 LB311 LB313 LB316 LB324 LB328 LB334 LB338 LB343 LB367 LB368 LB373
LB377 LB425 LB425A LB435 LB457 LB461 LB475 LB488 LB497 LB498 LB516 LB542
LB554 LB570 LB578 LB588 LB594 LB596 LB603 LB610 LB636 LB637 LB638 LB641
LB646 LB651 LB658 LB661 LB674 LB677 LB701 LB704 LR1CA LR6CA]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good morning, ladies and gentlemen, and welcome to the George Norris Legislative Chamber for this, the forty-third day of the One Hundredth Legislature, First Session. Our chaplain of the day is Senator Dubas. Please rise. []

SENATOR DUBAS: (Prayer offered.) []

SENATOR LANGEMEIER: Thank you, Senator. I call to order the forty-third day of the One Hundredth Legislature, First Session. Please record your presence. Record, Mr. Clerk. []

CLERK: I have a quorum present, Mr. President. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there corrections for the Journal? []

CLERK: (Read corrections, Legislative Journal page 787.) []

SENATOR LANGEMEIER: Thank you. Are there any messages, reports, or announcements? []

CLERK: There are, Mr. President. Your Committee on Enrollment and Review reports LB143 and LB661 to Select File, both of which have Enrollment and Review amendments attached. Priority bill designations: Senator Karpisek, LB232; Senator Kopplin, LB596; Senator Hansen, LB457; the Judiciary Committee, LB377; Judiciary Committee, LB475; Senator Ashford, 373; Senator Janssen, LB367; Revenue Committee, LB334 and LB106; Senator White, LB498; Senator Dubas, LB461; Senator Burling, LB218; Senator McGill, LB73; and Senator Christensen, LB701. (Also, Banking, Commerce and Insurance Committee selected 190 as its priority bill.) Mr. President, your Committee on Retirement Systems, chaired by Senator Synowiecki, reports LB324 to General File; LB303 to General File with amendments; and LB596 to General File with amendments. Explanation of vote from Senator McDonald (re LB213, LB263, LB290, LB298, LB307, LB311, and LB313). Lobby report for this week, Mr. President, as well as a series of reports received in the Clerk's Office, will be on file and available for legislator review. Two announcements, Mr. President. The Government Committee

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

will meet in Executive Session at 9:15 in Room 2022; the Government Committee in Room 2022 at 9:15. And Natural Resources will meet at...now, actually; Natural Resources, now, underneath the north balcony. That's all that I had, Mr. President. (Legislative Journal pages 787-791.) [LB143 LB661 LB232 LB596 LB457 LB377 LB475 LB373 LB367 LB334 LB106 LB498 LB461 LB218 LB73 LB701 LB190 LB324 LB303 LB213 LB263 LB290 LB298 LB307 LB311 LB313]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The Speaker has asked me to make one announcement in regards to the agenda. Please note, there will be a slight adjustment in today's agenda. We will be passing over LB663 for the day. Additionally, we will be taking up a bill, LB425. And after the main bill, we'll be taking up, which is not printed, we'll be taking up LB425A, which is not listed on the agenda, but we'll be taking it up when we get to that, after the completion of LB425. Mr. Clerk, first item on the agenda. []

CLERK: Mr. President, the first item this morning is a confirmation report, as offered by the Education Committee. Involves the appointment of J. Richard Shoemaker to the Nebraska Educational Telecommunications Commission. (Legislative Journal page 768.) []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Raikes, you're recognized to open on a confirmation report from the Education Committee. []

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. The Education Committee encourages your confirmation of the appointment of J. Richard Shoemaker to the Nebraska Educational Telecommunications Commission. Mr. Shoemaker is a new appointment to the commission. If confirmed, his term on the commission would extend from October 5 of last year through January 1 of 2010. Mr. Shoemaker has ample experience in both the telecommunications and education fields. He is the president and chairman of Pinpoint Holdings, Inc., a telecommunications firm based in Cambridge, Nebraska. Mr. Shoemaker was also a teacher for six years in the Holbrook public schools, prior to beginning his career in the telecommunications industry. He holds a bachelor's degree from Doane College in music education. He is a member of the Lincoln Symphony Board, University of Nebraska president's policy advisory committee, and the C-Tech Technology committee of the Cambridge Public School Board. The Nebraska Educational Telecommunications Commission serves three statutory purposes, which are outlined in Section 79-1313. They are: One, to promote and establish noncommercial educational telecommunications facilities within the state of Nebraska; two, to provide noncommercial educational telecommunications programs throughout the state of Nebraska by standard broadcasts, by closed-circuit transmission, or by other telecommunications technology distribution systems; and three, to operate statewide educational and public radio and television networks and services. The commission consists of 11 members, including the Commissioner of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

Education, the President of the University of Nebraska, a representative for each of the community colleges, state colleges, and private colleges, and six members of the public at large, two from each congressional district. With that, I'll close, and encourage your support for the confirmation of J. Richard Shoemaker. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the opening on the confirmation report offered by the Education Committee. The floor is now open for discussion. Is there anyone that wishes to speak to the confirmation report? Seeing no lights on, Senator Raikes, you're recognized to close. Senator Raikes waives closing. You have heard the closing on the adoption of the report offered by the Education Committee. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 791.) 27 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

SENATOR LANGEMEIER: The report is adopted. (Visitors and doctor of the day introduced.) Mr. Clerk, next confirmation report. []

CLERK: Mr. President, the Transportation Committee, chaired by Senator Fischer, offers a single report on Mr. Richard Pierce. (Legislative Journal page 772.) []

SENATOR LANGEMEIER: Senator Fischer, as Chair of the Transportation and Telecommunications Committee, you're recognized to open on the confirmation report. []

SENATOR FISCHER: Thank you, Mr. President and members of the body. The Board of Public Roads Classifications and Standards oversees the annual construction planning and operations reporting for state and local highways, roads, streets, as well as the application of minimum design, construction, and maintenance standards for functional classifications of public roadways. Mr. Richard Pierce was appointed to the Board of Public Roads Classifications and Standards for a term from January 31, 2007, to November 2, 2007. Mr. Pierce received an associate's degree from UNL Ag College in Lincoln, served in the Air Force for six years, and is presently a farmer-rancher at Miller, Nebraska. He is also...he also serves on the Buffalo County Board of Supervisors. Mr. Pierce did attend the hearing on March 5, and the Transportation and Telecommunications Committee recommends this confirmation with a record vote that we took. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on the confirmation report offered by the Transportation and Telecommunications Committee. All...anyone wishing to speak to that, the floor is now open. Seeing no lights on, Senator Fischer, you're recognized to close. Senator Fischer waives closing. You

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

have heard the closing for the adoption of the report offered by the Transportation and Telecommunications Committee. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Have all those voted that wish to? Senator Erdman, for what purpose do you rise? []

SENATOR ERDMAN: Well, Mr. President, I was going to seek a request from the Chair, but due to the timely response of some of our colleagues on the floor, I don't believe that will be necessary. []

SENATOR LANGEMEIER: Thank you, Senator Erdman. Record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 791-792.) 25 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

SENATOR LANGEMEIER: The confirmation report is adopted. Mr. Clerk, next item on the agenda. []

CLERK: LB638. It's a bill by General Affairs Committee and signed by its members. (Read title.) The bill was introduced on January 17, referred to the General Affairs Committee. The bill was advanced to General File. I do have an amendment to the bill, Mr. President. [LB638]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator McDonald, as Chair of the General Affairs Committee, you're recognized to open on LB638. [LB638]

SENATOR McDONALD: Thank you, Mr. President, members of the body. The General Affairs Committee introduced LB638 on behalf of the Department of Revenue. The changes are not extensive, but will help the department perform more efficiently. This bill does three basic things. First, it will allow investigators with the Department of Revenue to have law enforcement authority concurrent with the Nebraska State Patrol's alcohol and tobacco enforcement division. When they encounter an illegal gaming device, these investigators already have law enforcement authority related to the state's tax law. At times, they have encountered illegal gaming devices while in an establishment for another authorized purpose, such as field inspections for charitable gaming tax compliance purposes. If that happens, they are not authorized to do anything except call the State Patrol and file a report. This bill would allow them to investigate and refer the matter directly to the county attorneys. Second, the bill would allow the Department of Revenue to authorize bingo more than once in one week at a certain location. Currently, the Nebraska Bingo Act restricts the use of a premise to twice a week for regular bingo occasions. This would allow an organization to request authorization from the department to exceed the premise limitations for bingo when it is advantageous for several nonprofit organizations to use the same location. Other statutory restrictions on bingo remain intact, such as the restriction of no more than one

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

bingo occasion per calendar day, and a licensed organization's limit of ten bingo occasions per month. And let me reiterate that. Nothing extends the amount of bingo per month. It just changes the amount per week. Third, the bill would make technical divisions to the charitable gaming statutes, and clean up several obsolete statutes on charitable gaming licensing. This is necessary, due to the legislative change that was fully implemented in LB1086, enacted in 2000, authorized biennial licensing for charitable gaming activities. Implementation was staggered over several years, and now is complete. Since all charitable gaming licenses are now issued on a biennial basis, the annual licensing restriction in the bingo, pickle cards, and lottery raffle statutes should be repealed to minimize confusion. The committee advanced the bill unanimously, and I would appreciate your vote to advance. [LB638]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Mr. Clerk, do you have an amendment? [LB638]

CLERK: I do, Mr. President. Senator McDonald would move to amend with AM565. (Legislative Journal pages 792-797.) [LB638]

SENATOR LANGEMEIER: Senator McDonald, you are recognized to open on AM565. [LB638]

SENATOR McDONALD: Mr. President, members of the body, this amendment would put two other bills that were advanced by the General Affairs Committee into LB638. The first bill, LB637, was introduced on behalf of the Department of Revenue. It proposes that the state lottery purchase for goods and services be placed in the competitive bidding process only for amounts greater than \$25,000. Right now, that competitive bidding threshold is \$15,000. The department believes that the \$15,000 procurement threshold is inefficiently low, and raises it; \$25,000 would put the lottery in line with the procurement requirements for most other state agencies. Second, the bill...the second bill is LB301, an amendment by the committee. This bill would extend the current distribution of lottery proceeds until July 1, 2013. The purpose is to keep the current payment structure in place, and to ensure that the dollar amount transferred to beneficiary funds will not be less than the amount transferred in fiscal year 2000-2003. In 2003, the Legislature passed LB367, in which a five-year hold-harmless period was implemented. Prior to enactment of LB367, the lottery transferred 25 percent of net sales to trust fund beneficiaries. After LB367, effective October 1, 2003, instead of transferring 25 percent, the bill stated that the lottery was to transfer at least the amount that was transferred in fiscal year 2002-2003. With this flexibility, lottery sales have risen dramatically, as well as the related transfer to the trust beneficiaries. After the sunset date, which is July 1, 2008, the distribution plan will go back to the original 25 percent language. When LB367 passed, the lottery was experiencing lower sales. The Legislature suspended the 25 percent requirement to allow flexibility so the lottery could increase prize payouts, thus generating more play and increasing revenue from ticket

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

sales, which in turn would mean more money for the beneficiaries. The strategy has been successful, and the lottery has experienced an increase in ticket sales by boosting prize payouts, and the beneficiaries have also profited. Neither LB637 nor LB301 had any opposition in the public hearing. I would appreciate your vote on the amendment and the bill. Thank you. [LB638 LB637 LB301]

SENATOR LANGEMEIER: Thank you, Senator McDonald. You have heard the opening on AM565 to LB638. The floor is now open for discussion. Senator Schimek, you're recognized to talk to AM565. [LB638]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I would like to just pursue the bill just a little bit with Senator McDonald. And I want to say that I think this is a good idea, Senator McDonald. I have actually been in a restaurant in a smaller town in Nebraska that had one of these devices. I knew it wasn't...or, I suspected--I'm not real familiar with these gaming devices--but I suspected there was an illegal gaming device in that establishment. So I know they're out there, and I think it's good that we have a better way maybe to regulate that. But...and I think I know the answer to my question already, but my question is, first of all, the department does have law enforcement authority in other respects. Is that not true? [LB638]

SENATOR LANGEMEIER: Senator McDonald, would you yield to a question? [LB638]

SENATOR McDONALD: Yes, I would. Yes, they do. [LB638]

SENATOR SCHIMEK: Yes. And that's in matters of taxation and so forth. What does it mean that they have law enforcement authority? Does that mean they carry a holster and can issue warrants for arrests, or that kind of thing? I'm just curious, more than anything, I guess. [LB638]

SENATOR McDONALD: Well, I don't know exactly the answer to your question. But in this situation, they can check the device, they can take pictures, and they can submit their report to the county attorney, and so they have proof that there was an illegal gaming device. And without this bill, what would happen is, they could file a report, and by the time it happened to the law authorities, the suspicious machine could have disappeared. And so this basically says, okay, we got a picture of it, we know it's there, you know, fess up. [LB638]

SENATOR SCHIMEK: And I would assume they have to take these pictures...I can't think of the word I'm wanting to say, but without flash, so they don't alert the proprietor that they're taking pictures of this gaming device, so that the device doesn't disappear overnight? [LB638]

SENATOR McDONALD: I don't know if they take them without flash. I guess that...I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

don't know that the owner of the establishment would not know that that investigation is being held up for other reasons. [LB638]

SENATOR SCHIMEK: I guess if you... [LB638]

SENATOR McDONALD: I guess I don't know the exact procedure that would happen internally in that establishment. But at least they...it gives the ability to report it to the county attorneys, with proof. [LB638]

SENATOR SCHIMEK: Okay. I appreciate that. And I do think it's a good idea that we try to regulate these gaming devices, because I know they're out there, and I've read stories about them in the local media. So thank you. [LB638]

SENATOR McDONALD: Thank you. [LB638]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Is there anyone else wishing to speak to AM565? Senator Erdman, you're recognized. [LB638]

SENATOR ERDMAN: Mr. President, members of the Legislature, AM565 is a few of the bills that were before the General Affairs Committee that we as a committee have decided would be appropriate and germane to LB638. If you'll notice, in the amendment as Section 16, it's approximately six pages of AM565, it is the provisions of LB301. LB301 was heard before the committee. As was pointed out by Senator McDonald in her opening, there was no opposition from the public to the bill. However, you'll notice that there was opposition from one of the committee members. That was me. Under the current scheme, what the attempt is, is to try to expand the number of individuals in the state of Nebraska, or nonresidents, even, who would seek to use the Nebraska lottery for their own benefit. And by adopting this scheme and furthering it, the goal is to get more people to play the lottery. I have a fundamental problem with that idea, and I will be voting against this amendment because of that provision, as I did LB301. Given the fact that LB301 is not a straight up or down vote, out of respect for Senator McDonald, I do not plan to divide this. But I will simply vote against this amendment and, should this amendment be adopted, I plan to vote against the bill, because even though there are values to the bill that I wholeheartedly concur with, I don't necessarily want to be a part of the process if it includes the process or the conscious decision to further expand the availability of gambling as a viable tool to Nebraskans, because I believe there are some sincere and realistic obstacles that that creates for us as a state, notwithstanding the benefits that it does create. It does fund some programs in the state such as scholarships, environmental, and other areas that we as a state benefit from. But I can't put that horse back in the barn, but I can prohibit it from running away freely. Thank you, Mr. President. [LB638]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator McDonald, you're

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

recognized. [LB638]

SENATOR McDONALD: Mr. President, members of the body, the issue that we have before us is not decided by whether we have lottery gambling or not, and we know that that's authorized in state statute, that we do have a lottery here in the state of Nebraska. And because of that, we have devised a system that will allow the beneficiaries to receive dollars from that. And by doing the amendment, we're going to allow the lottery to do what it does best, and that's to continue making the lottery profitable, so to speak, and the beneficiaries also profitable. And it seems that it has worked well. The important thing that you need to look at is that when the beneficiaries are deciding what amount of money is going to come to them, they really have no idea. By doing the hold harmless, they know that it will never be less than 2002-2003. And so because of that, they're able to look at the grants and look at the opportunities that that money is going to create, because they know it's going to be at least that much. And same side for the lottery. They know that X amount of dollars is going to go to the beneficiaries, so they're able to continue working on their side of it. So it's one of those things that people have in their mind what the dollar amount cannot be less than, and so they're able to plan, the beneficiaries are able to plan with a better outcome of what's going to happen with those funds. And so it just seems like the natural way to do to make sure that things run smoothly. And they have, and it's been a great process, and we would just like to see that continued. Thank you. [LB638]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Is there anyone else wishing to speak to...Senator Chambers, you're recognized. [LB638]

SENATOR CHAMBERS: Mr. President, members of the Legislature, when it comes to gambling, I can probably be classed as a prude. Senator Erdman brought to my attention something that I hadn't noted with reference to this bill, because it's being done by way of amendment, if I understand correctly. What I did note was something that Senator Schimek had commented on, in terms of giving law enforcement authority for the specific purpose of dealing with these machines. And I'm going to talk about that a bit after I ask Senator Erdman a question or two. [LB638]

SENATOR LANGEMEIER: Senator Erdman, would you yield to a question? [LB638]

SENATOR ERDMAN: I would, Mr. President. [LB638]

SENATOR CHAMBERS: Senator Erdman, the provision which allows an increase in the number of times that these lottery...or, tell me what the amendment does that you were just commenting on. [LB638]

SENATOR ERDMAN: Section 16 of AM565 is the provision of LB301. That specifically deals with giving the state lottery more flexibility in making the state lottery more

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

lucrative, to try to attract more players, and therefore increase the number of people who actually play the state lottery, under the guise of trying to promote some of these worthwhile programs. [LB638 LB301]

SENATOR CHAMBERS: And that is in the amendment that's pending right now? [LB638]

SENATOR ERDMAN: That is Section 16. Senator Chambers, I think what you may have heard is the bingo provision. That is in a different section of the amendment, and was a different bill, and it might actually even be in LB638. [LB638]

SENATOR CHAMBERS: Okay. But there's an amendment before us right now. What number is that? Is that AM565? [LB638]

SENATOR ERDMAN: It is, Senator Chambers. [LB638]

SENATOR CHAMBERS: And that's the one which contains the part that you objected to? [LB638]

SENATOR ERDMAN: I believe it contains three separate provisions that are germane to the lottery, but the one that I opposed in committee was LB301, and that is generally contained in Section 16 of the amendment. [LB638 LB301]

SENATOR CHAMBERS: And that was a separate bill? [LB638]

SENATOR ERDMAN: It was. It was LB301. [LB638 LB301]

SENATOR CHAMBERS: I don't like the expansion of gambling either, and especially the lottery. I think...thank you, Senator Erdman. [LB638]

SENATOR ERDMAN: Sure. [LB638]

SENATOR CHAMBERS: I think that's one of the biggest shams that this state ever got into. I think it is demoralizing. I would say immoral, if I was one to argue on the basis of morality. I do not think it is sound state policy to encourage people to go after a will-o'-the-wisp. You know that the chances of winning the lottery are miniscule. There have to be a lot of suckers who lose in order for a few suckers to win. But the suckers who win usually have lost so much that they're not going to recoup what they had lost. And I think it is terrible for the state to take action to encourage more citizens to engage in this losing activity. If these various, I guess you would say charitable purposes and worthwhile societal purposes are indeed worthy, they should not be funded by gambling. Senator McDonald has come to us with offerings to increase the amount of money available for problem gamblers, and I've supported those provisions. Then why

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

are you going to increase the gambling? It's a lure, and the state is the house. The house never loses, when it comes to gambling. If this amendment is adopted, then I definitely am going to oppose LB638, if that's the number of the bill. Oh, Senator McDonald collegially informed me that is the number of the bill. I'd like to ask Senator Janssen a question. [LB638]

SENATOR LANGEMEIER: One minute. Senator Janssen, would you yield to a question? [LB638]

SENATOR JANSSEN: Yes. [LB638]

SENATOR CHAMBERS: Senator Janssen, are you a member of this committee still? [LB638]

SENATOR JANSSEN: Yes. [LB638]

SENATOR CHAMBERS: Who offered LB301? [LB638 LB301]

SENATOR JANSSEN: I did. [LB638]

SENATOR CHAMBERS: Now, does it increase...or is it designed to increase the number of people who play the lottery? [LB638]

SENATOR JANSSEN: I doubt very much whether it will increase it any more than it has increased. [LB638]

SENATOR CHAMBERS: I'm asking, is it designed to increase or decrease the number? [LB638]

SENATOR JANSSEN: It is designed to keep it at its status quo, or possibly increase the sales. [LB638]

SENATOR CHAMBERS: But if it's just to maintain...you acknowledge, though, it's not just to maintain status quo; its intent is to increase the number of people who play the lottery. That can get a straightforward answer, I think. [LB638]

SENATOR JANSSEN: That is what happened when we put it in five years ago. It did increase the sales then. [LB638]

SENATOR CHAMBERS: Thank you. And I'm going to put my light on, because I think my time is out here. Thank you, Mr. President. [LB638]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Wallman, you're

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

recognized. [LB638]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Wow. You know, we need more incentives to sell lottery tickets? I don't think I have to have an incentive to buy a lottery ticket from Mr. Wightman here. I've been one of those suckers in the past. And have I ever won? No. And guess what. They come to these small easy stops and everything when they...they start giving these away to people who are just barely old enough to buy lottery tickets. So you can get them free. Did I ever win on a free ticket? No. And I have a hard time for this state to promote gambling to fund things we should be paying by other means. So I don't want to...I think we've got plenty on the books, what we have now, and I'm against this amendment, this bill. Thank you, Mr. President. [LB638]

SENATOR LANGEMEIER: Thank you, Senator Wallman. (Visitors introduced.) Continuing with discussion on AM565. Senator Chambers, you're recognized. [LB638]

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Janssen was trying, in the short space of time that existed, to bring me up to speed on what his bill, LB301, actually did. So I'm going to give him some of my time, if he will yield, to explain. [LB638 LB301]

SENATOR LANGEMEIER: Senator Janssen. [LB638]

SENATOR JANSSEN: Yes, I'll yield to questions. Yeah. [LB638]

SENATOR CHAMBERS: All right now, Senator Janssen, precisely what does LB301 do? [LB638 LB301]

SENATOR JANSSEN: LB301 extends the way the lottery is distributed for another five years. When we first put it in place five years ago, the beneficiaries were losing some money because the play was...on the lottery, was kind of stagnant, due to the gambling from other states. And we raised the payouts on the tickets, so...and to generate more play, which happened, and the beneficiaries were receiving more revenue from the play of the games that were brought on by the people, I don't know how many years ago it was, when they voted the lottery in. So that is what happened, Senator Chambers, and we're asking that that is extended for another five-year period. [LB638 LB301]

SENATOR CHAMBERS: Senator Janssen, would you accept one year? Let me ask this. If your proposal jeopardized LB638, do you think you have enough juice to get your proposal adopted and salvage LB638? If not, then I think you ought to consider what is being done. [LB638]

SENATOR JANSSEN: Well, extend it one more year, you say? [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

SENATOR CHAMBERS: Yeah. What about that? [LB638]

SENATOR JANSSEN: Well, you know, I think that that would be something. But that would be up to the Chairman of the General Affairs Committee to also acknowledge approval of. [LB638]

SENATOR CHAMBERS: Well, it's your bill that's being added. [LB638]

SENATOR JANSSEN: Yes, that's true. That's true. [LB638]

SENATOR CHAMBERS: Well, why don't we take your bill out of this amendment, then deal with your bill when it comes up? And if we're going to get bills that on their own may be troublesome, then I'm going to start looking far more closely at this Christmas-treeing, because... [LB638]

SENATOR JANSSEN: Well, what... [LB638]

SENATOR CHAMBERS: ...these kind of bills should not slide through because the bill carrying it may have support. [LB638]

SENATOR JANSSEN: All right. Yeah. Let me add a little bit more to this, if I could use...I'll put my light on, so...if we need more time, Senator. In 2003, the Legislature amended state statute 9-812, guaranteeing that the total funds transferred from the State Lottery Trust Fund to various receiving funds would not be less than the amount transferred to those funds in fiscal year 2002 and 2003, through January 1 of 2008. Well, next year is 2008. Since 2003, there's been both an increase in the sales and an increase of the total amounts that have been transferred to the various funds. This bill would extend the date for this change to January 1...or, from January 1 of 2008 to July 1 of 2013. [LB638]

SENATOR CHAMBERS: But Senator Janssen, a deal is a deal, and the deal was that it would last until January of 2008, correct? [LB638]

SENATOR JANSSEN: Right. That's right. [LB638]

SENATOR CHAMBERS: And so now this is a stratagem of those who support gambling as a means to do what they consider good work... [LB638]

SENATOR LANGEMEIER: One minute. [LB638]

SENATOR CHAMBERS: ...for five more years, and they'll continue to do that, won't they? When will it stop? [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

SENATOR JANSSEN: I think they will. Yes, they will. That was evident from the past few years. The trust funds that this money was going to were seeing more funds being put back into those...into the Environmental Trust and the other beneficiary. So that's where it's at. I mean, if people don't think these beneficiaries should have that, why, that's fine. It's just protecting... [LB638]

SENATOR CHAMBERS: The question is... [LB638]

SENATOR JANSSEN: ...those entities. [LB638]

SENATOR CHAMBERS: The question is whether or not this deal should be broken and a new one put in place to extend it five more years, which then makes it a total of ten years. And that was not what was contemplated at the time that original move was made. And the people who you call the recipients... [LB638]

SENATOR LANGEMEIER: Time. [LB638]

SENATOR CHAMBERS: Thank you, Mr. President. [LB638]

SENATOR LANGEMEIER: Senator Janssen's light is on next if you want to continue your... [LB638]

SENATOR JANSSEN: All right, Senator Chambers, we can continue our discussion here. And...but what was happening was the play was going down on...or, it was stagnant, let's put it that way, or possibly a little lower, due to the conditions throughout...from the other states. But when we increased that payout, there was an acceleration in the sales. And that is what we were looking for, so that the funds that were going to these entities would not be lessened any more. [LB638]

SENATOR CHAMBERS: All you have done, though,... [LB638]

SENATOR JANSSEN: And it did work. [LB638]

SENATOR CHAMBERS: But Senator Janssen, what this is designed to do is sweeten the bait that is thrown out to catch the suckers, isn't that true, by saying, you have a chance, while you're losing, to win more if you happen to win? It does not improve the chances of winning, does it? [LB638]

SENATOR JANSSEN: The only way...the only... [LB638]

SENATOR CHAMBERS: Let me ask it a different way. [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

SENATOR JANSSEN: No. No, it doesn't. The only... [LB638]

SENATOR CHAMBERS: The more lottery tickets that are sold, the lesser becomes the chance of each person with one of those lottery tickets to win. Isn't that true? [LB638]

SENATOR JANSSEN: I think there is a percentage, and I don't know what it is, that is paid out. [LB638]

SENATOR CHAMBERS: I'm not asking for the percentage. Let me give it in numbers, if I can. If 100 people buy these lottery tickets, each one buys one, you have 1 in 100 chances of winning. If 1,000 people buy the tickets, you have 1 in 1,000 chances. So the more people you encourage to play the lottery, the lesser chance a person has of winning. Isn't that true? [LB638]

SENATOR JANSSEN: Well, I suppose that could be argued both ways, Senator. The more you play it, I believe that your chances of winning are going up. [LB638]

SENATOR CHAMBERS: Senator Janssen, because it's your time I have to continue to engage you. The purpose of all of this is to increase the number of people who pay the lottery, to get more money to give to these various entities that receive money from the lottery fund. Isn't that true? [LB638]

SENATOR JANSSEN: Exactly. Exactly. [LB638]

SENATOR CHAMBERS: And it is your view, and the view of others, that these entities that receive the money are doing good work for society? [LB638]

SENATOR JANSSEN: That's true. [LB638]

SENATOR CHAMBERS: Is that what you agree with? [LB638]

SENATOR JANSSEN: That's correct. [LB638]

SENATOR CHAMBERS: But the means of doing this good work is tainted by encouraging people, more people, to gamble. [LB638]

SENATOR JANSSEN: Yes, you could look at it that way. [LB638]

SENATOR CHAMBERS: Have you been here during the last few years and paid attention when my seatmate, Senator McDonald, brought legislation to increase the amount of money available to help problem gamblers, because gambling created their problem? Have you been here for that purpose? [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

SENATOR JANSSEN: Yes, I've seen that. And this would also increase the amount going to that fund. [LB638]

SENATOR CHAMBERS: Senator Janssen, do you consider yourself the Lord? [LB638]

SENATOR JANSSEN: A lord? [LB638]

SENATOR CHAMBERS: The Lord, L-o-r-d. [LB638]

SENATOR JANSSEN: Heaven help us all if I do. [LB638]

SENATOR CHAMBERS: (Laugh) You would be in charge of heaven if you were, so you could help us all. But do you consider yourself the Lord? [LB638]

SENATOR JANSSEN: (Laugh) No. [LB638]

SENATOR CHAMBERS: Well, it is the Lord who giveth, and the Lord taketh; blessed be the name of the Lord. Now why, on the one hand, are you going to give money to help problem gamblers, then through state action create more opportunities to create more problem gamblers and intensify the problems of those gamblers who already have a problem? What kind of sense does that make? [LB638]

SENATOR JANSSEN: Well, Senator, you know, I think that...I sell these tickets in my business, and I have not seen an increase in the number of people that play them. [LB638]

SENATOR LANGEMEIER: One minute. [LB638]

SENATOR JANSSEN: What I have seen is the increased purchase of those that do play them. [LB638]

SENATOR CHAMBERS: So if they've got a problem, their problem has increased, because they now spend more money to support that terrible habit. [LB638]

SENATOR JANSSEN: Apparently, that's what's happening, because the sales have risen. [LB638]

SENATOR CHAMBERS: So why should we do that? [LB638]

SENATOR JANSSEN: Well, that... [LB638]

SENATOR CHAMBERS: Then here's what we ought to do. Then we ought to cut out all money for these problem gamblers; then the hypocrisy is done away with. Are you in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

favor of cutting out all money for problem gamblers? [LB638]

SENATOR JANSSEN: No, because that was in the constitutional amendment that brought this on. [LB638]

SENATOR CHAMBERS: Any money that we have put there by way of statute we can do something about eliminating. Would you agree with that? [LB638]

SENATOR JANSSEN: We can't eliminate the percentage of the money that's coming from these. [LB638]

SENATOR CHAMBERS: I said, any amount that we would add by statute can be removed by statute, can't it? [LB638]

SENATOR JANSSEN: By...absolutely. You know that. [LB638]

SENATOR CHAMBERS: Do you see something inconsistent about the state encouraging people to gamble, then putting money into a fund to help problem gamblers? Is there an inconsistency there? [LB638]

SENATOR JANSSEN: Well, you could look at it that way, yeah. [LB638]

SENATOR LANGEMEIER: Time. [LB638]

SENATOR CHAMBERS: Thank you, Mr. President. [LB638]

SENATOR LANGEMEIER: Thank you, Senator Janssen, Senator Chambers. Senator McDonald, you are next. You're recognized. [LB638]

SENATOR McDONALD: Mr. President and members of the body, I'd like to have a conversation with Senator Janssen. [LB638]

SENATOR LANGEMEIER: Senator Janssen, would you yield to a question? [LB638]

SENATOR JANSSEN: Yes. I'm sorry. [LB638]

SENATOR McDONALD: Thank you, Senator Janssen. I know this was originally your bill, and you came to us with the hold-harmless extension. And I heard Senator Chambers offer us to strike the 2013 and just do it for one year, 2009. Would you be acceptable to that? [LB638]

SENATOR JANSSEN: Yes. [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

SENATOR McDONALD: And if it was passed, would you support the bill? [LB638]

SENATOR JANSSEN: Yes. [LB638]

SENATOR McDONALD: Okay. Thank you, Senator Janssen. I'd like to have a... [LB638]

SENATOR JANSSEN: I...Senator McDonald, I... [LB638]

SENATOR McDONALD: ...a word with Senator Chambers. [LB638]

SENATOR LANGEMEIER: Senator Chambers, would you yield to a question from Senator McDonald? [LB638]

SENATOR CHAMBERS: Yes, I shall. [LB638]

SENATOR McDONALD: Thank you, Senator Chambers. I heard you ask Senator Janssen if he would agree to the amendment, which is the amendment that's to the committee bill, but to change the 2013 to just one year, 2009. Would you be acceptable to that, Senator Chambers? [LB638]

SENATOR CHAMBERS: Caught in my own trap. Yes, Senator McDonald, I will accept that. [LB638]

SENATOR McDONALD: And if that passes on the floor, will you support the bill? [LB638]

SENATOR CHAMBERS: Senator McDonald, I don't support gambling bills, but I will not fight against it hard. There will be some questions I will raise, but I will not go through extraordinary efforts to kill the bill. I can't vote for it, but I will not go against the bill in the way I am against this amendment, unless I discover something that is similar. But I would discuss it, and maybe we could reach an accord on those problems, if I happen to see any. But right now, this is the big one. So if you get this one out of the way, for me, then you've removed a great amount of problem I have with the bill. [LB638]

SENATOR McDONALD: Thank you, Senator Chambers. I think we have just put in an amendment to strike the 2013 and do 2009, and I think that amendment probably is being handled as we speak. [LB638]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Mr. Clerk. [LB638]

CLERK: Mr. President, Senator Janssen would move to amend Senator McDonald's amendment. (FA38, Legislative Journal page 797.) [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

SENATOR LANGEMEIER: Senator Janssen, you are recognized to open on your amendment. [LB638]

SENATOR JANSSEN: Thank you, Senator Langemeier, members of the committee. Yes, the amendment...this amendment just extends it one year, if I'm correct. That is what Senator Chambers has agreed to, I believe, extending it one year. And then he and I both in another year will still have one year left, so we can talk about it again then. And I look forward to that, Senator Chambers. With that, I'll give the rest of my time back to the Chair. [LB638]

SENATOR LANGEMEIER: Thank you, Senator Janssen. You have heard the opening on FA38 to AM565. The floor is now open for discussion. Senator Janssen, your light was on previously. You would...he waives that opportunity. Senator McDonald, you are recognized. [LB638]

SENATOR McDONALD: Yes, and I know the word "gambling" raises a lot of eyebrows and a lot of hair on the back of the necks, because it is something that people have strong feelings about. You like gambling or you don't like gambling, unfortunately. The lottery was passed several years ago. We do have the state lottery here in the state of Nebraska. And if those that are totally against the lottery, at some point in time you certainly can bring a bill to the floor and try to get rid of the lottery. But at this point in time, we do have the lottery, and we have the beneficiaries. And actually, now it's in our constitution, because when we put the State Fair in by the vote of the people, it locked up all the percentages. So it's not as easy as just removing it here on the floor. I think we'll have to take that back to the vote of the people, because we changed that several years ago when we added the State Fair. So it's one of those things that at this point in time we're having to live with, and probably need to live with it the best that we can. Thank you. [LB638]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Senator Chambers, you're recognized to speak to FA38. [LB638]

SENATOR CHAMBERS: Mr. President, members of the Legislature, had I been just dealing with Senator Janssen, he would have just dug his heels in and said no, and then I could have removed his amendment altogether. But here is old, wily, clever--and when I say "old," no reference to age--Senator McDonald, who listened to what I said and decided to trap me in my words. But I'm not being trapped completely, because as Senator Janssen pointed out, I will have another year to try to get rid of this entire thing, which probably is not going to happen, but I'm going to fight against it, because I do not think the state should be encouraging gambling. I'd like to ask Senator Janssen a question. [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

SENATOR LANGEMEIER: Senator Janssen, would you yield to a question? [LB638]

SENATOR JANSSEN: Yes. [LB638]

SENATOR CHAMBERS: Senator Janssen, this is a bill that the grocers would support. Isn't that true? [LB638]

SENATOR JANSSEN: Well, yes. [LB638]

SENATOR CHAMBERS: And they support it because they get a cut from whatever is sold. Isn't that true? [LB638]

SENATOR JANSSEN: Very minimal, but they do get a cut, yeah. [LB638]

SENATOR CHAMBERS: If they were not getting a cut, they would not be that interested in supporting this bill, would they? [LB638]

SENATOR JANSSEN: Probably not. [LB638]

SENATOR CHAMBERS: Are you a grocer? [LB638]

SENATOR JANSSEN: Unfortunately, I still am a grocer, yes. Unless you would like to buy my store. [LB638]

SENATOR CHAMBERS: You are a grocer. [LB638]

SENATOR JANSSEN: (Laugh) Yes. [LB638]

SENATOR CHAMBERS: And you support this bill. [LB638]

SENATOR JANSSEN: Yes. [LB638]

SENATOR CHAMBERS: You introduced this bill. [LB638]

SENATOR JANSSEN: Yes. [LB638]

SENATOR CHAMBERS: You will profit if this bill is enacted into law. [LB638]

SENATOR JANSSEN: It all depends upon how many we sell. [LB638]

SENATOR CHAMBERS: If you sell one ticket, will you get a cut? [LB638]

SENATOR JANSSEN: Yes. [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

SENATOR CHAMBERS: If you sell 1,000 tickets, will you get a cut? [LB638]

SENATOR JANSSEN: Yes. [LB638]

SENATOR CHAMBERS: There's a certain percentage cut that you get, no matter how many or how few tickets you sell, correct? [LB638]

SENATOR JANSSEN: That's right, it's the same. [LB638]

SENATOR CHAMBERS: Okay. Is that percentage about 5 percent? [LB638]

SENATOR JANSSEN: Oh, no. [LB638]

SENATOR CHAMBERS: What is the percentage? [LB638]

SENATOR JANSSEN: I think it's 1. [LB638]

SENATOR CHAMBERS: But you're not sure? [LB638]

SENATOR JANSSEN: I'm not sure. I'm not sure of that, so... [LB638]

SENATOR CHAMBERS: Could it be 5 percent? [LB638]

SENATOR JANSSEN: I doubt very much. [LB638]

SENATOR CHAMBERS: You doubt, but could it be? [LB638]

SENATOR JANSSEN: It could be. [LB638]

SENATOR CHAMBERS: Okay. And you will check that out for me by the time we get through? And it doesn't have to be today. Okay, you'll get that for me? [LB638]

SENATOR JANSSEN: Oh, absolutely. Absolutely. I'll let you know what it is. [LB638]

SENATOR CHAMBERS: Okay. That's all I will ask of Senator Janssen. Members of the Legislature, I am going to support adoption of this amendment. There still are matters in the bill that I will look at. But as stated previously, I'm not going to launch an all-out effort to stop this bill or harm it in any way. Remember, we're talking about additions to the bill, at this point, not the bill itself. But when we get through adopting amendments, I am going to ask about that law enforcement provision which has been brought to us in the original underlying bill. But I'll wait until we reach that point before I engage in that discussion. I just want to alert anybody who might be interested to the fact that I'm going

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

to address it. Thank you, Mr. President. [LB638]

SENATOR LANGEMEIER: Thank you, Senator Chambers. The floor...anyone else wishing to speak to FA38? Senator McDonald, you're recognized. [LB638]

SENATOR McDONALD: Mr. President, members of the body, at this point, extending it one year will allow the beneficiaries to know what the minimum amount of money that they will be receiving. And as far as future budgeting in their trust contracts and utilizing the beneficiary money, they will at least know. So please support this amendment. We will look at it next year. Maybe we will not adopt an extending the hold harmless, depending on what the body wants. But at least in this short time frame we'll continue as it is for one more year. And it's worked well. So please support this amendment, and we will have further discussion on the bill. There are some things that I need to clarify. Thank you. [LB638]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Anyone else wishing to speak on FA38? Seeing no lights on, Senator Janssen, you're recognized to close on FA38. Senator Janssen? Senator Chambers. Thank you. Senator Janssen, you are recognized to close on FA38. [LB638]

SENATOR JANSSEN: Thank you, Senator Langemeier. Thank you for your indulgence. I was carrying on a conversation with my colleague across the aisle. We've come down to one year, and that means that we'll be back next year, possibly, and address it again. So I ask for your yes vote on FA38 to AM565. Thank you. [LB638]

SENATOR LANGEMEIER: Thank you, Senator Janssen. You have heard the closing on FA38 to AM565. The question before the body is, shall FA38 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB638]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of the amendment to the amendment. [LB638]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. FA38 is adopted. We return now to discussion on AM565. The floor is now open for discussion. Seeing no lights on, Senator McDonald, you are recognized to close on AM565. [LB638]

SENATOR McDONALD: Thank you. As amended, the hold harmless adds one more year. And the first part of the bill does the competitive bidding process from \$15,000 to \$25,000. Most other agencies have \$25,000. If one of their machines goes down, copier, and have to purchase something that they need fixed right away, if they do not extend this to \$25,000, they then have to go out for competitive bidding. But they still have to have the department's approval, so it's not something they can go out and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

automatically move up to the \$25,000. They still have to have approval. So this allows them to have repairs done immediately so that they can move on with their process. So please support this amendment. Thank you. [LB638]

SENATOR LANGEMEIER: Thank you, Senator McDonald. You have heard the closing on AM565. The question before the body is...shall be the adoption of AM565 to LB638. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB638]

CLERK: 27 ayes, 6 nays, Mr. President, on adoption of the amendment. [LB638]

SENATOR LANGEMEIER: AM565 is adopted. We return now to discussion on LB638, the bill itself. Is there anyone wishing to speak to LB638? Senator Chambers, you're recognized. [LB638]

SENATOR CHAMBERS: Mr. President, members of the Legislature, we're working on something, so that I'm clear on what is being done. But my understanding, when I read the green copy, is that these people who are working with the Department of Revenue would have law enforcement authority when it comes to the gambling machines. And I want to explore that a bit and see just what it is they are being empowered to do. So I'm going to...are there any other lights on? [LB638]

SENATOR LANGEMEIER: No. [LB638]

SENATOR CHAMBERS: Then I'm going to my leave my mike open while I do this work, so that the bill will not move without me completing what I need to do. Thank you, Mr. President. [LB638]

SENATOR LANGEMEIER: We will continue your time. [LB638]

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator McDonald is very willing to work our way through this, so I'm not going to delay us at this point. I will allow the bill to go ahead to Select File, and by the time it comes up again, there will then be the opportunity to further discuss this, if it's necessary. But at this point, I will turn my light off. And thank you. [LB638]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Is there anyone else wishing to speak to LB638? Seeing no lights on, Senator McDonald, you're recognized to close on LB638. [LB638]

SENATOR McDONALD: As you know, LB638 in its original form passed out of committee unanimously. We added the amendment to it, and the amendment to the amendment, and both passed on the floor. So the bill has received approval of the floor.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

But wanting to let you know that the original bill was unanimous in its support. So please pass LB638 in the amendment form on to Select File. Thank you. [LB638]

SENATOR LANGEMEIER: Thank you, Senator McDonald. You have heard the closing on LB638. The question before the body is, shall LB638 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Senator McDonald, for what purpose do you rise? [LB638]

SENATOR McDONALD: Yes, I'd like to have a call of the house. [LB638]

SENATOR LANGEMEIER: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB638]

CLERK: 26 ayes, 0 nays, Mr. President, to place the house under call. [LB638]

SENATOR LANGEMEIER: The house is under call. Senators, please record your presence. Those senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. (Visitors introduced.) The house is under call. Senator Preister, Senator Aguilar, Senator Fulton, Synowiecki, Wallman, Johnson, please return to the Chamber. All senators are present or accounted for. Senator McDonald, how do you wish to proceed? You can... [LB638]

SENATOR McDONALD: A roll call vote, please. [LB638]

SENATOR LANGEMEIER: There has been a request for a roll call vote. Mr. Clerk. [LB638]

CLERK: (Roll call vote taken, Legislative Journal pages 797-798.) 30 ayes, 2 nays, Mr. President, on the advancement of the bill. [LB638]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. LB638 does advance. And with that, I raise the call. Next item on the agenda. Items for the record? [LB638]

CLERK: Mr. President, an amendment to be printed: Senator Synowiecki, to LB382. Priority bill designations: Senator Wallman, LB488; Senator Erdman, LB368; Agriculture Committee has selected LB516 (and LB435); Senator Gay, LB338; Performance Audit, LB610; Senator Raikes, 603; Education Committee, LB641 and LB651; Senator Preister, LR1CA; Senator Mines, LB304; Senator Avery, LR6CA; Senator Flood, LB658; Senator Louden, LB570; Senator Synowiecki, LB542; Retirement Systems, LB324; Senator Schimek, LB554. (Legislative Journal pages 798-799.) [LB328 LB488 LB368 LB516 LB435 LB338 LB610 LB603 LB641 LB651 LR1CA LB304 LR6CA LB658 LB570

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

LB542 LB324 LB554]

Mr. President, the next item for consideration this morning, LB425. It's a bill by Senator Pankonin. (Read title.) The bill was introduced on January 16 of this year, at that time referred to the Banking, Commerce and Insurance Committee. The bill was advanced to General File. There are Banking Committee amendments, Mr. President. (AM511, Legislative Journal page 697.) [LB425]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pankonin, you are recognized to open on LB425. [LB425]

SENATOR PANKONIN: Good morning, Mr. President and members of the body. LB425 adopts the Nebraska Operational Assistance Act. LB425 does not create a new program. It renames and maintains the provisions of the Nebraska Venture Capital Forum Act, begun in 2001 with the passage of LB225, and was renewed by LB498 in 2005. LB425 continues the appropriation of funds to the Nebraska Department of Economic Development. The department then awards the funds to a private, nonprofit organization to implement the terms of the act. The department may also accept funds from other public and private sources, and add them to the state appropriation. The nonprofit organization must provide cash or in-kind matching funds of at least one-third of all the funds appropriated for the act. The Nebraska Operational Assistance Act requires the nonprofit organization to provide technical assistance to individuals and companies that lack the foundational components to achieve their growth potential. The organization targets businesses with high growth potential to add economic value to our state. These businesses can bring new money to Nebraska, because they have the ability to export goods and services, and because they have a plan to grow rapidly enough to create jobs, create value, and increase our tax base. For example, a common scenario may involve a university-based researcher who develops a compelling new technology. Often, the researcher needs a framework and a management team with which to build a business around the new discovery. The operational assistance program would help to commercialize the technology, bringing value to the researcher, the university, and the state. Without such assistance in place, a potential new business might not be developed. Another scenario might involve a business that needs a strategic sales plan and an experienced operations manager in place to attract capital, but does not have the money to put these necessary elements in place. Through the Nebraska Operational Assistance Act, technical assistance would put essential foundational pieces in place, to enable the business to attract growth capital from angel or venture investors. The provisions of the Nebraska Operational Assistance Act and the state funds that help to support it would sustain the existing groundwork from which new ideas can be launched to potentially create high-paying Nebraska jobs, import dollars to our state, and expand our tax base. Twenty years ago, the Corporation for Enterprise Development, CFED, a national nonprofit organization that promotes economic opportunity, created a development report card for the states.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

The report card provides a state-by-state assessment in three main areas: performance, which looks at the economic climate for wage earners; business vitality, which reports on the economic climate for businesses; and development capacity, which predicts how a state positions itself for the future. In the 2007 CFED report, Nebraska earned a grade of B in performance and business vitality, and a grade of C in development capacity. Nebraska needs to raise its grade for development capacity from a C to at least a B, or perhaps even to an A. Improving our state's environment for startup businesses will certainly support this goal. Passage of LB425 would maintain the groundwork for development capacity that we already have in place. Many members of this body attended a University of Nebraska legislative dinner that featured Nebraska-based startup business representatives. These are the type of businesses that could use the support of the Nebraska Operational Assistance Act. Let us continue to give our Department of Economic Development this important tool. The corresponding A bill asks for a \$250,000 appropriation to fund this program. I have distributed four documents that relate to LB425. They are: a letter of support from the State Chamber; a letter of support from the Greater Wahoo, Nebraska Development Foundation; a reprint of an Omaha World-Herald article that explains the formation and involvement of the Nebraska Angels; and a handout from the University of Nebraska presentation that I referred to. Thank you. [LB425]

SENATOR LANGEMEIER: Thank you, Senator Pankonin. As the Clerk stated, there are amendments from the Banking, Commerce and Insurance Committee. Senator Pahls, you are recognized, as the Chair of the committee, to open on the committee amendments. [LB425]

SENATOR PAHLS: Good morning, Mr. President, members of the body. The committee amendments, AM511, would amend Section 6 by striking the provisions of subsection (2) which declare legislative intent to appropriate \$600,000 to the Department of Economic Development each fiscal year to carry out the bill. As Senator Pankonin said, there is an A bill that will replace that. Thank you. [LB425]

SENATOR LANGEMEIER: Thank you, Senator Pahls. The floor is now open for discussion on AM511. Senator Wightman, you're recognized. [LB425]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the Legislature. Would Senator Pahls yield to a question? [LB425]

SENATOR LANGEMEIER: Senator Pahls, would you yield to a question? [LB425]

SENATOR PAHLS: Yes. [LB425]

SENATOR WIGHTMAN: Now, would you explain the difference between the A bill and the appropriations bill? The fiscal note says \$600,000, and I know you explained that,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

but I guess I need a little more information on that. And the A bill says \$250,000. [LB425]

SENATOR PAHLS: Yes, that was written into the bill, and that should not have been placed there. So in our negotiations, the money amount was sent to \$250,000. [LB425]

SENATOR WIGHTMAN: So we're talking \$250,000. And you look at this as being an ongoing expenditure? [LB425]

SENATOR LANGEMEIER: Yes. [LB425]

SENATOR WIGHTMAN: Okay. Well, I'm generally supportive of the bill. I just want to know at what level I'm supporting it at. Thank you. [LB425]

SENATOR PAHLS: Right. Thank you. [LB425]

SENATOR ERDMAN PRESIDING [LB425]

SENATOR ERDMAN: Thank you, Senator Wightman. Next speaker, Senator Langemeier. [LB425]

SENATOR LANGEMEIER: Thank you, Mr. President, members of the body. I, too, rise in support of LB425 and the underlying committee amendment, AM511. As a member of that committee, it was crucial, in my mind, as we looked through that bill, as the intent language, at the \$600,000, I felt, was inappropriate. So in the committee amendment we strike the intent language of \$600,000. Senator Pankonin is going to bring an A bill that will follow here. He has chosen \$250,000. I am also going to support that A bill to follow. And with that, I would return my time to the Chair. Thank you. [LB425]

SENATOR ERDMAN: Thank you, Senator Langemeier. Is there any other senator wishing to speak on the amendment? Seeing none, Senator Pahls, you're recognized to close on AM511. Senator Pahls waives closing. The question before the body is AM511 to LB425. All those in favor vote aye; all those opposed vote nay. Have all those senators voted who care to? Record please, Mr. Clerk. [LB425]

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the committee amendments. [LB425]

SENATOR ERDMAN: The amendment is adopted. We will now proceed to discussion on LB425. Senator Pankonin, you're recognized to close. [LB425]

SENATOR PANKONIN: Thank you, Mr. President. I want to read a quotation to you. Entrepreneurship is a key mode of innovation which in all its forms drives productivity

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Transcriber's Office

Floor Debate
March 09, 2007

growth. Nebraska has many resources in place to support the entrepreneurial drive, and is creating infrastructure, political and organizational, to sustain innovation, end of quote. This statement was made in an article entitled "Innovation, Prosperity, and Their Indicators," that appeared in the November 2006 Nebraska Economic Trends newsletter from the Nebraska Department of Labor. Since 2001, the assistance provided by the Nebraska Venture Capital Forum Act has been one of the resources that was referenced in the article. Passage of LB425 would ensure that this resources would continue to be available. The Banking, Commerce and Insurance Committee advanced LB425 with no dissenting votes. Now I ask for your support for this bill. Thank you. [LB425]

SENATOR ERDMAN: Members, you've heard the closing on LB425. All those in favor of advancement of LB425 vote aye; all those opposed vote nay. Have all senators voted who care to? Record please, Mr. Clerk. [LB425]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB425. [LB425]

SENATOR ERDMAN: The motion carries. The bill is advanced. Pursuant to the Speaker's request, the next bill on General File is LB425A. Mr. Clerk. [LB425 LB425A]

CLERK: Mr. President, LB425A was a bill by Senator Pankonin. (Read title.) [LB425A]

SENATOR ERDMAN: Thank you, Mr. Clerk. Senator Pankonin, you're recognized to open on LB425A. [LB425A]

SENATOR PANKONIN: Thank you, Mr. President, members of the body. The original bill called for a \$600,000 appropriation, and as has been discussed by Chairman Pahls, we passed an amendment, it was the committee amendment, AM511, that removed the appropriation. So LB425A was drafted. The revised appropriation request is now \$250,000. I've been assured that this amount is adequate to support the work of the nonprofit organization to which the DED will grant the operating funds. I ask for your support for LB425A. Thank you. [LB425A]

SENATOR ERDMAN: Members, you've heard the opening on LB425A. (Visitors introduced.) Senator Nantkes, you're recognized to speak on the A bill. [LB425A]

SENATOR NANTKES: Good morning, Mr. President, colleagues. I was a little bit late on the draw this morning. My original intent was to rise and speak in support of Senator Pankonin's bill, the substantive bill, rather than the A bill. But for the record, I did just want to add in my comments, that I think this proposal is an absolutely critical component to fostering a spirit of entrepreneurship in our state, and critical to helping to keep young people who are interested in developing businesses in our state. And overall, I think we all should commend Senator Pankonin for prioritizing this important

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

issue, and also with the realization that consistently Nebraska ranks with the bottom 10 percent or so of states out there with resources like this to help young people develop business. And with that, thank you, Mr. President. [LB425A]

SENATOR ERDMAN: Thank you, Senator Nantkes. Anyone else wishing to speak on LB425A? I see none. Senator Pankonin, you're recognized to close. Senator Pankonin waives closing. The motion before the body is the advancement of LB425A. All those in favor vote aye; all those opposed vote nay. Members, the motion before you is the advancement of LB425A. Have all members voted who care to? Senator Pankonin, for what purpose do you rise? [LB425A]

SENATOR PANKONIN: Mr. President, I rise for a call of the house with a roll call vote. [LB425A]

SENATOR ERDMAN: Senator Pankonin has requested a call of the house. All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB425A]

CLERK: 19 ayes, 0 nays to place the house under call, Mr. President. [LB425A]

SENATOR ERDMAN: The house is under call. Would all members please return to the Chamber. Unauthorized guests please leave the floor. Again, the house is under call. Members, the house is under call. Would Senator Howard, Senator Karpisek, Senator Schimek, Senator White, Senator Synowiecki, Senator McDonald, and Senator Aguilar please report to the Chamber and check in. The house is under call. Senator Schimek, would you please check in. Thank you. Senator Synowiecki and Senator Aguilar, the house is under call. Please report to the Chamber. Senator Pankonin, for what purpose do you rise? [LB425A]

SENATOR PANKONIN: Mr. President, I'd like to proceed with just call-in votes on the ones that weren't here. [LB425A]

SENATOR ERDMAN: Senator Pankonin, your request has been recognized. We will proceed with call-in votes on the advancement of LB425A to E&R for initial. Again, Senators, call-in votes have been authorized. [LB425A]

CLERK: Senator Schimek voting yes, Senator Fischer voting yes, Senator Ashford voting yes, Senator Flood voting yes, Senator Preister voting yes, Senator Fulton voting yes. [LB425A]

SENATOR ERDMAN: Record please, Mr. Clerk. [LB425A]

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB425A. [LB425A]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

SENATOR ERDMAN: LB425A does advance, and I do raise the call. Mr. Clerk, next item on the agenda, please. [LB425A]

CLERK: Mr. President, LB157 is a bill by Senator Stuthman. (Read title.) The bill was introduced on January 8 of this year, referred to the Judiciary Committee. The bill was advanced to General File. I have committee amendments, Mr. President. (AM250, Legislative Journal page 689.) [LB157]

SENATOR ERDMAN: Senator Stuthman, you're recognized to open on LB157. [LB157]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. LB157 is a bill that would allow for leaving an infant with a firefighter or hospital staff member. This bill was heard on January 17, and moved out to General File with an amendment. This bill allows an on-duty firefighter or hospital staff at hospitals that admit patients to take the infants if the child is 72 hours old or younger, if the parent expresses no interest to return for the child. If a firefighter or hospital staff member takes temporary custody of an infant...of the infant child, they shall perform any necessary act to protect, preserve, or aid the physical health or safety of the child during the temporary custody, and also must notify law enforcement of the abandonment within four hours after the abandonment. It also has that a firefighter or hospital staff member shall incur no civil or criminal liability for acts in good faith. The law enforcement officer shall take the abandoned child into temporary custody. The Department of Health and Human Services shall maintain and update on a monthly basis a report of the number of children who have been abandoned pursuant to this section. The department...also, my main interest in this bill--and this bill has come before the body before--but my main interest in this bill is hopefully that we can save an infant, if we just save one infant from being abandoned, or placed in a dumpster, or at a creek bed. I would like to also give you some statistics. All the states have some type of a safe haven law except Nebraska, Alaska, and Hawaii. There are different types of safe haven laws, but we and Hawaii and Alaska are the only ones that don't have any type of a safe haven law. So those are my opening comments on this bill. There are committee amendments. And I will end at this time, and let's have the committee amendments. Thank you. [LB157]

SENATOR ERDMAN: You've heard the opening--thank you, Senator Stuthman--on LB157. As the Clerk stated, there are amendments from the Judiciary Committee. Senator Ashford, as Chair of the Judiciary Committee, you're recognized to open on those amendments. [LB157]

SENATOR ASHFORD: Thank you, Mr. President. As long as you're distracted, I will proceed. (Laugh) Thank you, Mr. President and members. As Senator Stuthman correctly stated, this bill amends the current abandonment statute, Section 28-705, regarding abandonment of infants under Nebraska law, and creates an exception for infants that are left at a safe haven, specifically with a police officer or a firefighter,

Floor Debate
March 09, 2007

within 30 days after the birth of the child. And as Senator Stuthman correctly states, the...this type of statute, though it's not uniform across the country, has been passed by a number of states, and there only a few left that have not. The Judiciary Committee did vote this bill out to the floor with some amendments. Essentially, the amendments are...the amendment deals with five or six points, five points, I guess, essentially, in the original bill. And it specifically sets forth that this is an amendment to the abandonment statutes, Section 28-705, which is, as I mentioned, a criminal prohibition on abandonment of a child, to clarify that leaving a child with a safe haven provider, specifically a firefighter or police officer, does not subject a parent to prosecution for criminal abandonment. In addition to that, the committee increased the number of days from 30...from 3 to 30 after the child is born when the safe haven exception would apply. So the mother would have a 30-day...up to 30 days to leave the child...the baby with a...in a safe haven...with a safe haven provider. There are some other more technical amendments. It removes the requirement that a parent leaving a child with a safe haven provider must indicate an intention not to return the child. It removes that particular requirement that was originally in the bill. It provides...it strikes the provisions on immunity in Section...subsection (3) of the bill. But it adds an amendment that requires the Health and Human Services Department to track and report children who are abandoned at other locations, as well, and not just those left at a safe haven, so that a meaningful comparison can be made, for example, if a child is left at a hospital or some other facility. And finally, it directs the Department of Health and Human Services to place a child left at a safe haven with an adoptive family as soon as possible, and to file a petition to terminate the parental rights. There are procedures in the existing statutes on...from Health...statutes regarding this Health and Human Services procedure. And I will have some more information as the discussion goes on, have some more information on those procedures. But the bill does...would leave it up to HHS in existing procedures to deal with the infant who is left with the safe haven provider. And that would conclude my explanation of the amendments, Mr. President. [LB157]

SENATOR ERDMAN: Thank you, Senator Ashford. You've heard the opening on the Judiciary Committee amendments, AM250. Those wishing to speak on the committee amendments: Senator Flood, Senator Chambers, Senator Pahls, Lathrop, and Wightman. Senator Flood, you're recognized. [LB157]

SENATOR FLOOD: Thank you, Mr. President, members. I'm in support of what Senator Stuthman is working to do here, and I guess I'll give you a little background. In 2003, I believe was the year, I was in the news business and I remembered seeing on the page there had been something at the gulch south of ALCO in Norfolk, so we ran over there and I saw the police cars and I saw the ambulances, and I watched horrified as the Norfolk fire officials picked up a little dead infant, that had been born not too long before, out of the river behind ALCO through the Norfolk flood control. And when that little baby was on that little backboard stretcher, I thought, this is preventable. There's no reason,

Floor Debate
March 09, 2007

regardless of what the circumstances were for the birth, that you can't find a way to get that little youngster to safety before you make the decision, for whatever reason, to throw the baby over the bridge. And that is a reality. I mean I've seen...you know, probably had I not been there I would have said, what...in what situation would this bill really make a difference? And in this situation, for whatever reason, we've never been able to find the mother, but I do know that a baby that had been born a few hours earlier laid in that creek bed, riverbed, and if you would have seen the face on the firefighters and that baby coming out of that river, you would know why a bill like this makes sense. Now I know there's those across the state that say this is a short-circuit to personal responsibility; that we have to get people to take accountability for their actions and this is another erosion of making people responsible for the decisions they make. Forget it. That is important, but we're talking about a person that wants to kill their baby so that they don't have to deal with any other set of circumstances, or maybe they're not mentally able to understand the decisions they're making at the time. All I know is if had something this been...like this been available, no questions asked situation, there would be one more little youngster probably getting ready for preschool in our community. And because of a situation that I don't know anything about, we had to pull a little baby out of the gulch, and that is last place, as far as I'm concerned when it comes to what we should be dealing with in our community. So I thank Senator Stuthman for bringing this bill. I want to thank Senator Pahls, who introduced a similar bill. And I guess that's all I want to say. Thank you, Mr. President. [LB157]

SENATOR ERDMAN: Thank you, Senator Flood. Senator Chambers, you're recognized to speak on the Judiciary Committee amendments. [LB157]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, conceding much of what Senator Flood said to be true, I have much to say against this bill. This is one of the worst things that could be done. We had a representative of firefighters come in here saying they don't want to have to do this. And you all need to start reading these bills and not just take the superficial fluff that touches your emotions, and you say this is a good thing and we ought to do it. So to serve a purpose here, I'm going to read some of the language. If a firefighter or hospital staff member...and we don't know what a hospital staff member is. Could it be anybody who works in the a hospital? Could it be an orderly? Could it be a janitor? Could it be a person who is a security guard on the staff of the hospital? But anyway, if one of these persons takes temporary physical custody of a child pursuant to this section, the firefighter or hospital staff member shall perform any act necessary in accordance with generally accepted standards of professional practice to protect, preserve, and so forth. What does a firefighter know--without disparaging them--anything about accepted standards of professional practice--they must mean medical practice--a police officer, anybody in the hospital who can be called a staff member? There is nothing that was shown to us when this bill or Senator Pahls' bill was being presented that showed that there was a justification to take an approach such as this. Contrary to what some people want to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

say, this is not a pro-life bill. This is a hodgepodge of maybe well-intentioned, but in my mind very foolish provisions, and it ought not to be enacted into law. Who in here can tell me...in fact, I'll ask Senator Stuthman, because it's his bill. I'd like to ask Senator Stuthman a question. [LB157]

SENATOR ERDMAN: Senator Stuthman, would you yield to a question from Senator Chambers? [LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR CHAMBERS: Senator Stuthman, would you agree that if we are the lawmakers, we should understand what the law is that we're going to enact? [LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR CHAMBERS: Explain to me what are accepted standards of professional practice. What are those standards? Who established them, and would you answer? [LB157]

SENATOR STUTHMAN: It...in my opinion, Senator Chambers, the accepted practice would be the practice is in what would be the practice of a firefighter and a hospital staff member in this situation. And the hospital staff member, the reason we have that in there is because it is also in there stated that... [LB157]

SENATOR CHAMBERS: I don't...I don't want to go that far. My time will run out. This says accepted professional standards. Which profession are we talking about? [LB157]

SENATOR STUTHMAN: Senator Chambers, it would be the standards of the professions of the people that we're talking about, firefighters or hospital staff. [LB157]

SENATOR CHAMBERS: That's not clear from this language, in my opinion. Thanks. That's all I will ask you. Members of the Legislature, read the language and ask yourself. If it means the standards of a firefighter, say so. What are the standards that a volunteer firefighter would put into play when you have an infant 30 days or younger...30 days old or younger? What is a firefighter taught in terms of how to deal with an infant that age? Nothing. But because this is such a highly charged, emotional bill, I'm going to do everything I can to stop it. I'm going to save the Legislature from itself on this. [LB157]

SENATOR ERDMAN: One minute. [LB157]

SENATOR CHAMBERS: Sounds good, but when you look at how it actually works it's not. Look at the committee statement and see the people who came in opposition. Why

Floor Debate
March 09, 2007

in the world would the representative of Nebraska Volunteer Firefighters be against this if it's such a lifesaving, great thing? Because he pointed out that in some of these fire stations there might not even be anybody present at the time an infant is dropped off there. And if so, they might have a call and have to respond to an emergency. So what are they do to? Not respond to the emergency, which is why they're there, in order to take care of this infant? Or respond to the emergency and leave the infant there? You are creating dilemmas for people who should not even have to confront something like this. This is not a duty that should be imposed on firefighters or anybody else. I'm not trying to be sarcastic, but the senators who vote for this, let their addresses be put out there and their church addresses... [LB157]

SENATOR ERDMAN: Time. [LB157]

SENATOR CHAMBERS: ...and say drop the infants there. Thank you, Mr. President. [LB157]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Pahls, you're recognized. [LB157]

SENATOR PAHLS: Thank you, Mr. President, members of the body. I do agree with Senator Chambers there are probably some things that do need to be changed in the bill, but that's what we're all about. I look at a fireman and I look at a garbage dump. It's a choice in some people's eyes. The garbage dump hasn't been trained. But I'm just going to try to answer a couple of the questions that Senator did bring up. In my discussion with hospital personnel, they say all staff members have been trained, now I didn't ask him to what degree, but I've been told they've been trained in that. The regular firemen who are not volunteers have been trained. Now I don't know about the volunteer firemen. I would just start with, first of all, I want to thank the committee for working to make this bill get to the floor. To me, this is a very important issue. Allowing distressed parents to leave their child in safe hands is more than just saving babies. It's about helping some of the most vulnerable people in our society. You may ask, do we need this? Can't parents put their children up for adoption in one of our established agency? Yes. Can they...can they? But they cannot do it completely without being anonymous. People like teen mothers who would not have support of their family if she revealed that she was pregnant, illegal immigrants who may be afraid to give their name if they were afraid they were going to be deported, victims of domestic violence that are afraid that their partners may find out, all of these people, I believe, need some form of protection. To me, it's different than just tossing the child aside. States such as Florida, California, Texas, and New Jersey have very successful programs. The state of Florida has found this program to be very successful. Since its inception in 2000, 57 babies were left in safe haven and all 57 are now in permanent adoptive homes. During the same time, during the same time, from 2000 to 2005, that's from the data, 33 babies were left in unsafe places. Of those 33, 12 were found alive, 21 were found dead. To

Floor Debate
March 09, 2007

me, I think: firemen; waste can. A strong point of this bill is that it requires a monthly report of how many children are placed with safe haven and how many are abandoned for...because we need a comparison. This does require an annual report with this, and this does help us track the effectiveness. Finally, I do have one concern with this bill. Part of what made Florida's bill...program successful was a widespread information program. Their program has a web site, a hot line, public service announcements on radio and TV, posters in clinics and hospitals, placed throughout the state in very strategic places, and all the materials and ads are done in several languages. I fear that without some form of public information, we may prove...this program may prove to be ineffective because people don't know about it. When Texas started this in 1999, they found the program to be unsuccessful until they implemented an information program. The staff in my office have spent a lot of time studying the success of this program in other states. They have examined the web sites of nearly all of the states that have a program such as this. My staff has also been in contact with individuals in Florida, Minnesota, and New Jersey, and most of these states are willing to help state of Nebraska with things such as logos, templates for web pages, and ads for TV and radio at a very reasonable expense. This would be much more cost-effective than developing our own. In other words, we would not be reinventing the wheel. I do hear... [LB157]

SENATOR ERDMAN: One minute. [LB157]

SENATOR PAHLS: Thank you. I do hear what Senator Chambers is saying. I think this is...this may be a step that we need to take a look at and see what we need to do to the bill to make it even more effective. As I say, I think we're helping those who are vulnerable. And I've had no organization, no organization at all came to me and asked me to present this bill. In fact, at the hearing there were a number of proponents, who I thought gave some very good data on some aspects of this bill. I did not see that many people standing up in opposition to it. Thank you. [LB157]

SENATOR ERDMAN: Thank you, Senator Pahls. Senator Lathrop, you're recognized to speak on the Judiciary Committee amendment. [LB157]

SENATOR LATHROP: Thank you very much, Mr. President and colleagues. I serve on the Judiciary Committee, as you know, and we ended up this year having two safe haven bills come in, and I appreciate Senator Stuthman bringing this bill to the committee. You should also know that Senator Pahls, as you can tell from his comments, has put an awful lot of energy into this subject. He has staff that has worked very diligently on this issue. And both senators, I think, are to be commended for what I think is a move, a policy move, in the right direction. Unfortunately, for a lot of reasons that have...perhaps sociologists can tell us about, young women who get pregnant outside of marriage, some within the marriage, are afraid of telling their parents, afraid of telling their friends, perhaps afraid their partner will find out, and this bill, this bill is an attempt to help those children who are born to people who are too afraid to get medical

Floor Debate
March 09, 2007

care, too afraid to get prenatal care, too afraid to go to the hospital to have their children. They have...they are bound by fear in this process. The safe haven bill that we're looking at today provides them with an option. Instead of taking their child and hiding the child in a corner of the basement, throwing a child into a creek, into the trash, into the dump, God forbid, the child is taken to the fire station or to the hospital. Is it perfect? Do we know whose hands the child will end up in if the child is taken to the fire station? One thing the bill does say, first of all, is that it's a child that's within 72 years...or 72 days old...72 hours old, so 3 days. It is a brand-new baby, first of all, and it is to be delivered to a fire station only if the fire station is occupied. So we're not going to leave a baby in a basket on the doorstep of the fire department. Originally, the bill had police officer in it. It was our feeling that police officers didn't have the skill and the background. Firemen, firemen are delivering babies in the back seats of cars, and I think that they are the appropriate people. And if we bring a little bit of common sense as we interpret this bill, you will see that taking the child to a fire department that's occupied or to a hospital is going to get that child to someone who can care for the child, and we're talking about a child typically that's not born in a hospital, not had medical attention for what may be a day or two, perhaps even three, before they're brought to somebody. We hope that all young women will go to the hospital, that they'll get prenatal care, that they'll have their baby in a hospital. The safe haven law takes care of those who, through shame and for a variety of reasons, choose to have their baby other than in a hospital, other than with proper medical care, and I think we'll save lives and save children, and for that reason I support the bill. I also support the amendments. Thank you, Mr. President. [LB157]

SENATOR ERDMAN: Thank you, Senator Lathrop. The speaking order on the committee amendment is Senator Wightman, followed by Senator Fulton, Ashford, Friend, Chambers, White, Stuthman, Harms, and Pahls. Senator Wightman, you're recognized on the committee amendment. [LB157]

SENATOR WIGHTMAN: Thank you, Mr. Chairman, members of the Legislature. I rise also in support of this bill. I think all of us have read stories throughout the newspapers of Nebraska about children that are left in dumpsters. They are left in basements. They are left any number of places. Senator Chambers inquires as to whether we would like to have our number or our address listed. And quite frankly, as opposed to losing a small baby, which I think is the option on some of these occasions, they can list my name in the newspaper as somebody who would be willing. Now I don't think I should be high on the priority list, but I certainly wouldn't turn down that child and would do the best that I could to see that that child got somewhere where they were safer than they were with a parent ready to abandon them. It seems to me there are safeguards within the act. As to the groups that are listed in the priority as to where you could leave a child, in our area, in rural Nebraska, I think firefighters are a group that should be given high priority. Many of them have emergency training, so I think that it does make sense. I'm not saying that the firefighters and the hospital staff ought to be an exclusive list, and

Floor Debate
March 09, 2007

maybe it should be broadened. Maybe the police station is another place that should be considered. But I do think the EMS branch of the voluntary firefighters and even paid firefighters would certainly be one of the appropriate places to consider leaving that child. But I think that we're a lot more likely to save those children at risk if people have a safe haven where they can leave that child. I hesitate to say abandon that child because we're kind of going away from the idea that this is an abandonment. But I think many young parents, particularly, perhaps mothers who are having children out of wedlock, are so frightened by the situation that they end up doing what they think at that time may be the path of least resistance, and sometimes that is leaving a child in a dumpster or sometimes actually causing the child to be killed or die. So I want to compliment Senator Stuthman, Senator Ashford, and the members of the Judiciary Committee for reporting this out. I think from all of the other states that have similar legislation, it appears pretty clear to me that we are the ones that are out of step at this time. So I would ask everyone to support the bill and to move it forward to Select File. Thank you. [LB157]

SENATOR ERDMAN: Thank you, Senator Wightman. Senator Fulton, you're the next speaker on the committee amendment. [LB157]

SENATOR FULTON: Thank you, Mr. President, members of the body. The...it's worth pointing out that when Senator Flood spoke about his experience, I don't know if you felt the same thing that I felt, but that's a very gross feeling, to see something happen so heinous, to be disposed of as trash, this innocent, defenseless child, human being. We as policymakers have the ability to influence culture such that that type of behavior, that type of action is recognized for the heinous, heinous disrespect for human life that it is, and I'm glad that...I think we all share that in common. And that's why...that provides the impetus for this bill. And the intention of this bill is something that I am in favor of. There is...there are some...I'm in agreement with Senator Chambers, there are some things that give me pause in the bill, in the language itself, and I'm going to bring up one particular section. There are some others, but there's one particular section that I'd like to bring up. In the green copy of the bill, page 2, line 24, this provides that the abandoned child shall be taken into temporary custody pursuant to Section 43-248. As I understand it, that is the section of statute that deals with the disposition of juveniles. My point here is that there is no specific provision within that statute that addresses the disposition of a five-day-old or a three-day-old. What I think would happen is that this...once the final disposition of the child is accomplished, that it goes to the volition of Health and Human Services, and I would assume this is part of what happens during the foster care program. There are problems with the foster care program. So I would like to...I've talked with Senator Ashford about this and I'll try to work with him to see if we can provide some type of more clearly delineated disposition such that HHS isn't the only option of final disposition for this child. But I bring that out to you. I think I can support the bill by intention, but there are some problems that we need to deal with to make this bill do what it is intended to do. It would be a double tragedy if we tried to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

address this issue and, in effect, confused such that the issue is not dealt with, perhaps even exacerbated, the problem is exacerbated. So thank you for your time. I ask, please read through the bill and consider carefully what is occurring. This will address and this affects the...our smallest children, our most defenseless, so we need to take time to be certain that we address it by force of statute, properly and succinctly. So thank you.
[LB157]

SENATOR ERDMAN: Thank you, Senator Fulton. Mr. Clerk, priority motion? [LB157]

CLERK: Mr. President, I do have a priority motion. Senator Chambers would move to bracket the bill until April 18, 2007. [LB157]

SENATOR ERDMAN: Senator Chambers, you're recognized to open on the bracket motion. [LB157]

SENATOR CHAMBERS: First, I would ask that it be done by unanimous consent.
[LB157]

SENATOR ERDMAN: Members, the motion before you is to bracket LB157 until April 18, 2007. Are there any objections? Senator Ashford, for what purpose do you rise?
[LB157]

SENATOR ASHFORD: Well, I would object to the April 18 bracket motion. [LB157]

SENATOR ERDMAN: Objection is noted. Senator Chambers, you're recognized to open on the bracket motion. [LB157]

SENATOR CHAMBERS: Yes. I now move. Members of the Legislature, Mr. President, members of the Legislature, I'm glad Senator Fulton is reading the bill. The Judiciary Committee was in such a hurry to bring this bill out that they brought a sloppily, poorly drafted piece of legislation that relates to an emotional response to what I think everybody would agree is a serious problem. They cannot explain what's in this bill. Senator Stuthman said he thinks that the term "accepted standards of professional practice," he thinks that applies to the standards of a firefighter. Well, the firefighters' representative came and opposed it. If you all think that opposing this bill makes you an evil person, why do you think the Nebraska Medical Association opposed this bill? Why do you think the Nebraska Hospital Association opposed this bill? It may have been Senator Pahls who said he didn't see many people standing up in opposition. Do the people who are represented by the Nebraska Hospital Association not understand what is being discussed here? Do not the doctors understand? You think they want babies thrown into ditches and dumpsters and all of these horrendous, over-the-top descriptions that are being given to us? Senator Flood witnessed one tragic incident. One bad incident makes bad law when you're going to change the statute and do it so

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

hastily that, as Senator Fulton pointed out, there is a reference to another statute, which Senator Lathrop probably looked at or he should have because he's a lawyer and he supported this. When there's a cross-reference, you look to see what is being referred to. So if the statute which has been cross-referenced does not apply to what this bill is dealing with, that is some sloppy drafting and some sloppy work by the committee. Just because I'm on the committee doesn't mean I'm going to approve of everything that that committee does. There is an emotional tide moving through the Legislature this morning. And I'd venture to say...where is Senator Wightman? Is he still here? Is Senator...Senator Wightman has moved on. I'd like to ask Senator Pahls a...oh, Senator Wightman, Senator Wightman. I would like to ask Senator Wightman a question if he would yield. [LB157]

SENATOR ERDMAN: Senator Wightman, would you yield to a question from Senator Chambers? [LB157]

SENATOR WIGHTMAN: I will. [LB157]

SENATOR CHAMBERS: Senator Wightman, you said you support this bill. Correct? [LB157]

SENATOR WIGHTMAN: That is correct. [LB157]

SENATOR CHAMBERS: Have you read the entire bill? [LB157]

SENATOR WIGHTMAN: Yes, I have. [LB157]

SENATOR CHAMBERS: Did you read the section that is cross-referred to that Senator Fulton made reference to? Did you read and see what that said? [LB157]

SENATOR WIGHTMAN: I was out at the time that he...during part of his testimony, so. [LB157]

SENATOR CHAMBERS: Well, I'm going to ask you, did you read that section which is cross-referred to in this bill? Or did you only read what is in the green copy? [LB157]

SENATOR WIGHTMAN: I read the green copy and I read the amendment. [LB157]

SENATOR CHAMBERS: Okay, now let me ask you a question. Do you have your copy before you? [LB157]

SENATOR WIGHTMAN: I can reach it. [LB157]

SENATOR CHAMBERS: LB157. And while he finds that, I'm going to continue

Floor Debate
March 09, 2007

speaking. My intent is to do everything I can to kill this bill. So I don't want there to be any doubts. I'm not talking about trying to make it better because it's a bad public policy. Senator Wightman, would you turn to page 2 of the bill itself. And I'll wait. You don't have to rush. [LB157]

SENATOR WIGHTMAN: Okay. [LB157]

SENATOR CHAMBERS: Okay. Would you find line 13 on page 2. Have you found that? [LB157]

SENATOR WIGHTMAN: I have found it. [LB157]

SENATOR CHAMBERS: I'm going to read the language: "Perform any act necessary, in accordance with generally accepted standards of professional practice, to protect, preserve, or aid the physical health or safety of the child during the temporary physical custody." What is the meaning of this term "generally accepted standards of professional practice"? What is being referred to there? [LB157]

SENATOR WIGHTMAN: If you're asking could the bill be improved, I think it could. [LB157]

SENATOR CHAMBERS: That's not what I'm asking you. You're not sure what that language means, are you? [LB157]

SENATOR WIGHTMAN: I think it would be better if they said the profession to which they belong. [LB157]

SENATOR CHAMBERS: But you're not sure from the language sitting there exactly what it's referring to. [LB157]

SENATOR WIGHTMAN: I think it leaves a question. [LB157]

SENATOR CHAMBERS: Thank you. And your answer is what anybody would give who is being thoughtful. That's all I would ask you. There is not direction given. They're bragging about what a wonderful piece of legislation this is. The Judiciary Committee looked at it. Look at the five who supported it. Let them stand up here and tell you what these terms mean. Senator Lathrop spoke, but he didn't describe or explain anything in the bill itself. Others have headed for cover. Senator Ashford is speaking because he's Chair of the committee and some questions were directed to him. It's clear that when you leave naked language such as this, "standards of professional practice," that is not clear. And none of them wanted to tell you why the Hospital Association and the Medical Association oppose this bill. The supporters are going to get you up here and fill your head full of images of little babies just being rained into garbage dumps and all

Floor Debate
March 09, 2007

these other things they've talked about. And other than Senator Flood, I don't think a person can give you another example. Let me ask Senator Pahls a question, if he would yield. [LB157]

SENATOR ERDMAN: Senator Pahls, will you yield for a question? [LB157]

SENATOR PAHLS: Yes. [LB157]

SENATOR CHAMBERS: Senator Pahls, how many examples of this, however you describe it, whether it's a child being dumped in a dumpster or whatever, how many of these instances in Nebraska have occurred that you know of? [LB157]

SENATOR PAHLS: I do not know because records haven't been kept, is my understanding. [LB157]

SENATOR CHAMBERS: So then people who are speculating about how widespread this is are doing exactly that--speculating. Is that true? Yes or no? [LB157]

SENATOR PAHLS: I did not think it would be widespread in the state of Nebraska because I'm thinking of population. Just, if you may, let me refer to Florida. That was a significant number there. [LB157]

SENATOR CHAMBERS: Not Florida. Florida has one of the worst records on capital punishment of any state. They burn people alive literally. And one of them was so bad the chief justice of the Florida Supreme Court put it on the web so people could see this person in flames. So Florida won't get it. You answered my question. Thank you. He's not aware of any other incident in Nebraska. But the way these people are talking, you're going to get the idea that it's happening every day. You know what needs to be done, and if these people were sincere, they would do it. They would change society's attitude toward young women who get pregnant out of wedlock. That's what they would do, but they never do that. They don't care about these women. You never see things coming through this Legislature that relate to the woman. When they talk about abortion and they're against it, they don't talk about the welfare of the woman. And it's always some man who brings it. Why is it that men have contrived more insulting words for women that go to their very personhood than exists for any other group--tramp, slut, ho, whore, bitch, trollop. These are names coined by men to degrade women. So why don't you all get busy, all of you people who, I'll confess, based on what you say on this floor, are of a much more higher moral standard than I am, so why don't you in your moral superiority change the attitude of this society towards these young girls and young women or older women who have babies out of wedlock? And stop attaching a stigma and expressing such contempt and hatred and scorn, and don't put them in a frame of mind where they feel if they tell anybody then life, in effect, is over for them. Why don't you do that? Because it's easier to stand up here and bring a piece of poorly crafted

Floor Debate
March 09, 2007

legislation to address something that is not even a problem in Nebraska. We are a state legislature passing a statute, not just standing up here, it's not supposed to be that way, putting in the statute books our miscellaneous opinions. [LB157]

SENATOR ERDMAN: One minute. [LB157]

SENATOR CHAMBERS: You all don't even care the language that's used to express this. Language is in it which nobody understands what it means. And when people who are rational can have different conclusions as to what language means, then you can conclude that the language is ambiguous, that it's vague, that it's unclear. And there is liability that can attach to these firefighters and to these hospital workers, as should be the case. I think it may have been Senator Lathrop--and if I'm mistaken he can correct me--he said something about, the fire station must be occupied. If a desperate person comes, do you think they're going to wait to see if it's occupied? They've been told you can drop the child at a fire station. They drive up, drop the child, and they're gone. That's where they put things in these statutes that are not going to apply in the real world. Thank you, Mr. President. [LB157]

SENATOR ERDMAN: Thank you, Senator Chambers. Members, you've heard the opening on the motion to bracket LB157 until April 18. Those wishing to speak, or the queue for the previous motion as well, Senator Ashford, followed by Senators Friend, Chambers, White, Stuthman, Harms, Pahls, and Wightman. Senator Ashford, you're recognized to speak. [LB157]

SENATOR ASHFORD: Thank you, Mr. President. In contrast to the bill we had yesterday, Mr. President, this bill is well drafted. We had a good discussion about it in the committee and I think we, as we do on most bills, went through, with some exceptions, went through these sections, and I think we came up with a compromise on the language and on the terms of the bill that made sense to most of the committee members. And I do appreciate Senator Pahls and his efforts in this matter. The sections that we...and I don't want to go into long division and nobody wants to hear long-division discussions about Section 43 of the statutes, but clearly 43 of the statutes, 43-248 et seq., and the sections that come after that, specify very clearly what happens to a juvenile when they are picked up by a police officer, and that procedure is in statute. It is well worn. It may need to be changed from time to time, but it is an established procedure. There was no real objection that I know of to that procedure during the discussion at the committee level. As far as the language in the bill, we did strike some of the language, but the language that Senator Chambers refers to in the bill regarding hospital staff and firefighters who take custody of the infant, that they must act in accordance with generally accepted standards of professional practice, I think that's appropriate language. We had testifiers on the bill from the Hospital Association that didn't particularly want the obligation to take this infant, even though they do take infants in these cases or similar cases right now; firefighters; so forth and so on. But to act

Floor Debate
March 09, 2007

based on that standard I think is the appropriate standard. If there is another standard then on Select File we can address that standard. The bottom line point is, the alternative here is a dead infant, and there may be some issues with how Health and Human Services...I think Senator Fulton asked some good questions about what happens to the infant after they are delivered into foster care or prior to foster care, whatever. I think those are very good questions and get to the issues in the bill. But...and whenever we deal with infants, taking custody of infants that are not with their mother, with their parent, obviously there are issues and...but I do believe that the committee carefully...we didn't sloppily draft this. We didn't just throw sections in here. And we spent some time with Senator Pahls' staff and Senator Stuthman's staff, both of whom have helped greatly, and I'd be happy to make any changes that...and I think changes, if they can help the bill, great. But the essence of the bill in preventing the unnecessary death of an infant, compared to making some changes in the bill, to me, the weighting of that is obvious. And so I would...I would ask the body to move this bill ahead, and we would be more than happy, in the Judiciary Committee, and to work with anyone to make the language better, if need be. So with that, I continue my full support for this concept and generally for the bill. Certainly we're open to work with anyone to make the bill better. And with that...oh, you're here. You were gone before. Senator Howard, may I ask you a question? How much time do I have? Not much probably. [LB157]

SENATOR ERDMAN: You have one minute, Senator Ashford. [LB157]

SENATOR ASHFORD: Senator Howard, could you very briefly explain to the body what happens when HHS takes custody of an infant? [LB157]

SENATOR ERDMAN: Senator Howard, would you care to yield to Senator Ashford's question, please? [LB157]

SENATOR HOWARD: Yes, I would. And I apologize for being...I was called off the floor and I very much want to address this issue. If a child is abandoned by the parents, there is a mechanism for addressing parental rights. It's not a speedy mechanism and it has to be followed carefully. When it's determined that this child is abandoned then the clock will start running regarding the parental rights and the period of time between communication with that infant and any person identifying themselves as the parent. It's a...there's a six-month period of time, a window, if you would, and during that period of time the Health and Human Services has the obligation to publish notice in a recognized publication of a certain subscription. [LB157]

SENATOR ERDMAN: Time. Thank you, Senator Howard and Senator Ashford. Senator Friend, you're recognized to speak on the bracket motion. [LB157]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. The

Floor Debate
March 09, 2007

bracket motion, whether it's premature or it's something that should happen today, tomorrow, whatever, I don't know that I could agree with that. I've talked to Senator Chambers, a few others on the floor that I've indicated, I guess, some concerns about this bill. The amendment actually broadens, you know, the opportunity...or I shouldn't say the opportunity, but the chances that somebody could utilize, you know, a statute like this to avoid, you know, the stigma of abandonment. I guess what I wanted to point out is a couple of philosophical things. And I did touch base with Senator Lathrop on this briefly, and I think he and I sort of, I guess, came to the conclusion that there are, in the short conversation that we have, philosophical reasons out there for somebody to want to oppose a safe haven law. Well, there's a tendency for all of us to get on the microphone in regard to safe haven legislation or in regard to this subject matter in general and defend our pro-life attitudes and views, or to turn around and say, well, this is, you know, this flies in the face of pro-choice type of...I don't know, whatever. But the bottom line is I think or I believe that it could be argued that this is not...or those type of things shouldn't relate to this discussion matter. The criminal code includes abandonment subject matter. I think we discuss that in the committee amendment, how it expands it 30 days, on the committee amendment, to take what the safe haven law, in my view, is always meant to do, is to try to take the shock or the surprise or the feeling of just total helplessness, you know, maybe within a 72-hour period and helping that mother or helping that parent get away from that feeling of...or, you know, get away from that feeling of helplessness. Thirty days? I'm a little confused by that language, but I'm sure this discussion will go on and we can...and we'll delve into that a little deeper. There are four points, I think, with safe haven laws, based on some of the research that I've done on it, that are pretty important. I mean, you have to establish in the legislation somewhere who may leave the child. I think if you look at this legislation you find that in there. You have to try to establish guidelines for where that baby is going to be left. I think some of that is established in here, maybe not thorough enough, but some of that has been established in here. You have to...you have to try to come up with lockdown procedures that are required once that baby has been left. Some of that also is addressed in here. But then you have to deal with the scope of the liability or the breadth of the liability that's going to ensue for a person who violates those guidelines, and... [LB157]

SENATOR ERDMAN: One minute. [LB157]

SENATOR FRIEND: ...I equate it to this. This is...what I talked about with Senator Lathrop, or that we touched on, was a philosophical argument. It can be argued over the years, philosophically, that divorce, that the breakup of the American home has been driven or moved forward or increased, if you will, by the idea of no-fault divorce. The American family is breaking up. It's nothing that a Legislature can do right now to try to stop. We think we can, but we can't. Is a safe haven law going down the same path? I worry about that. And I think that that's part of the discussion. Let's put it this way. The bracket motion might not be appropriate right now. It might be more appropriate later on

Floor Debate
March 09, 2007

after we discuss it. I'm not for the bracket motion. The amendment I'm very concerned about. And the overall idea of a safe haven law is feel good. Who doesn't like that? [LB157]

SENATOR ERDMAN: Time. Thank you, Senator Friend. Senator Chambers, you're recognized to speak on the bracket motion. [LB157]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I like my Chairman of the Judiciary Committee, Senator Brad Ashford. But what Senator Ashford did was skeeted and skimmed like a water bug over the surface of a pond. Here's what he said, words to this effect: Senator Chambers mentioned generally accepted standards of professional practice; I think that's the appropriate standard. But he didn't tell you what that standard is, did he? He said it's the...but he didn't tell you. Then he skimmed across the issue raised by Senator Fulton by saying that, well, yeah, that section and that which follows--but it doesn't say this section and that which follows--he said it tells how to deal with juveniles. What Senator Fulton was pointing out is that it does not relate to these infants. But Senator Ashford really didn't go into detail on that, but what he did say several times, we're willing to work with people to make the bill better. We'll work with people. We'll do something about this language. But he knows, now that we've had this discussion, that this language is not acceptable. This is not suitable to go into the statutes as a law. But maybe you should put it there anyway, because it's not going to make any difference. When we talk about where a person can leave these infants, I want to ask Senator...well, Senator Stuthman will have his own time, so I won't ask him, and he can maybe address it. If the person is required to deliver the child to a firefighter or hospital staff member, that contradicts all this mess that we've heard. You know what the supporters of this bill have said? You've got a young woman here who does not want people to know that she had a baby, does not want to contact or be seen in connection with that, yet she has to deliver the child, under this law, to a firefighter, to a hospital staff member. Well, suppose the information comes out that you can leave these babies at the firehouse or the hospital, then a woman goes and leaves the child outside the hospital or outside the fire station. I'm talking about, deal with reality and the life and the circumstances that people are going to find themselves in if we're really discussing actual people and trying to get a notion of how this will play out. Suppose the person feels that every one of these establishments, in fact, might have a video camera. Then that's the place not to go because you're going to be caught on tape when you do it. All the people who are supporting this bill talk about how great the concept is, but they can't deal with any of the practical, real aspects of it. And I'm being specific. I'm raising specific problems with the bill. And when I ask, what does this language about the accepted professional standards mean, we're told that that's the appropriate standard but we're not told what it means. Who in here knows what it means? You'll give your opinion; I'll give my opinion; somebody else gives his or her opinion. What is the authoritative meaning? Why don't they define it in the statute? They were careful, we were told. They thought about this. Rather than leave ambiguous

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

language when you get right to the crux of how this operates, why not give definitions so everybody knows? And it doesn't matter whether I'd still be opposed to the bill or not. You are legislating. And if people ask you what this language means and you don't know, who is supposed to know? Senator... [LB157]

SENATOR ERDMAN: One minute. [LB157]

SENATOR CHAMBERS: Already. Senator Friend had said maybe the bracket motion is not appropriate at this time, but we'll be on this other days and I'll offer it on another day, and I'm going to offer...also offer to refer this bill back to the Judiciary Committee, since the Chairman has all but acknowledged that there's additional work that needs to be done and they're willing to do it and work with whoever is willing. But we shouldn't run it on to Select File. Send it back to the committee. But you probably don't want to do that either. However, you are having all those who support the bill acknowledge that there are problems with it. There are changes that ought to be made; there are changes that can be made. Let them tell us what those changes are. Thank you, Mr. President. [LB157]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator White, you're the next light on. [LB157]

SENATOR WHITE: Thank you, Mr. President. I yield my time to Senator Chambers. [LB157]

SENATOR ERDMAN: Senator Chambers, you have five minutes. [LB157]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator White. Members of the Legislature, I will stay on an issue like this as long as is necessary because what I'm talking about goes beyond this bill. It goes to the nature of the work that we're doing, the pride we ought to take in the work that we're doing. In past years, before I was under the axman's ax, which is on its way down to severe my head from my neck, because I may only have a year left after this, I would take time on this floor and rewrite bills of other senators. Some of those who have been here have seen where I will have a list of amendments that might number 30, not to kill the bill, to correct it, to rewrite it. I've taken my time on weekends to take some of this bad legislation that I was opposed to, go home and rewrite it. That's not my job, but I assumed it. But I'm not going to keep doing it when we have this kind of stuff coming out here. If it was my bill and people raised legitimate issues of this kind, I would say what I think I'm going to do, since I was not as attentive as I needed to be, is move from this bill and work it, or I would be offering amendments to correct it. But I wouldn't just be standing on the floor temporizing, alibiing, offering excuses, and doing nothing to improve it. I don't believe the committee amendments even touch the issues that I'm raising now, because I read the committee amendments. I'm not talking about the immunity granted in the green

Floor Debate
March 09, 2007

copy because the committee amendments did away with the immunity. So that means that firefighters are held to this professional standard. Now if you're going to hold a firefighter to the standards of professional practice and they fail to meet those standards, no matter how well-intentioned they are, they are liable. But they don't know what those standards are; nobody knows. And if they look at the legislative history, they're not going to find where anybody stood on this floor who supports this bill and explain to these firefighters and others what those standards of professional practice are. Since you put the word "practice," are you talking about medical practice? Senator Ashford hasn't told us how he would overcome the objection of the Medical Association, the Hospital Association. He did point out that the hospitals will receive infants under these circumstances now. Why then would they be opposed to the bill? Why would they be opposed to the bill? There is a great deal of discussion that needs to take place on this bill, and there will be a great deal of discussion, if it is only engaged in by me. You will see, my new brothers and sisters, that I don't need a lot of senators talking in order for me to deal with something like this. I will do it alone. There's enough wrong with this bill to keep us here until doomsday, whenever that is, or later. But if my bracket motion...if we get a vote on it today and it does not go, then I'm going to start working on the committee amendments. [LB157]

SENATOR ERDMAN: One minute. [LB157]

SENATOR CHAMBERS: And then, if you get to a point where you can vote on the committee amendments, but maybe you won't, then I'm going to start working on the green copy of the bill itself and we're going to stay on this and stay on this and stay on this. You all didn't mind talking forever on the smoking bill, did you? That didn't bother you. So we're going to talk on this bill that I'm interested in and concerned about. And I say again...Senator Ashford, I don't need any help. You can turn your light off. But if you (laugh)...but if you want to join in the discussion, I assure you I'm going to listen very carefully to what you say, take it under advisement and respond to it, if a response is appropriate. I'm not going to understate the significance of what anybody says, and I will respond to whatever is said that I think merits it. Thank you, Mr. President. [LB157]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator White. Senator Stuthman, you're the next speaker, followed by Senators Harms, Pahls, Friend, Ashford, and Schimek. Senator Stuthman. [LB157]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. First of all, I want to talk a little bit about the issue that Senator Flood had brought up about the infant that was found in his district, by Norfolk there. And I want to talk a little bit about, you know, what would have happened if that baby was still alive, still breathing. Who were the people that were called to the scene? I'm sure law enforcement was there. I'm sure firefighters were there. I'm sure EMTs were there. Now when they arrived on the scene and found this little infant still breathing, what would have happened? Would the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

firefighters said, oh, we got to back up, we got to go to this...we got to go back to our station; you know, maybe that's not in our scope of practice to pick up an infant, to take an infant, to protect an infant? But then if they would have picked up the infant that was still breathing, barely alive, where would have they taken this infant? They would have taken this infant to the hospital. The hospital staff member would have accepted it and given it as much needed help as possible. But that didn't happen. But I'm sure that the firemen were at the scene, and there's one person that was probably called to the scene that wouldn't have been called to a scene if the child was taken to the fire station or to the hospital. There would have been a coroner called to the scene on the riverbank and that would have made the decision as to whether the infant was alive or was dead. That is a...I mean those people, the firemen, their professional standard, what they're supposed to do, in my opinion, they would have done the same thing if the baby was alive or the baby was found not breathing. A thing that I want to discuss a little bit with Senator Chambers, if he may respond. [LB157]

SENATOR ERDMAN: Senator Chambers, would you yield to Senator Stuthman's questions? [LB157]

SENATOR CHAMBERS: Yes, I will. [LB157]

SENATOR STUTHMAN: Senator Chambers, in your comments just prior to mine, you had stated in there that a parent is required to deliver this if they want to give up their child, required to deliver it to a hospital staff member or to a firefighter, to a fire station. I don't see in the bill where it says it's required. Or can you restate your intention of that statement of being required? [LB157]

SENATOR CHAMBERS: Yes, I was reading the language in the bill, and it starts with, "If a parent voluntarily delivers a child to a firefighter or a hospital staff member." I said, if the parent does not deliver the child to a person, the child will be left outside the hospital, be left outside the fire station, and that is not going to do the child any good. So even with this bill it gives the impression that the child is going to be delivered to a person, but the child can be abandoned near a hospital or on the front step of a hospital, or a fire station, and die anyway. So this bill is not doing what we've been told it will do. That's the point I was making. [LB157]

SENATOR STUTHMAN: Okay. Thank you, Senator Chambers. In that there, you know, they're to be delivered to a place that admits patients, and I'll totally agree with that. [LB157]

SENATOR ERDMAN: One minute. [LB157]

SENATOR STUTHMAN: I am...you know, there is...you know, part of the amendment is inserted in part of that, if a parent, you know, seeking safe haven care, you know, and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

the child is 30 days or less old, you know, then they can be delivered to those places that admits patients. I think that's true. The thing about it that really does concern me is that we're trying to make a place for these infants so they don't end up in a dumpster or in a creek bed, like we have by the...by what Senator Flood had mentioned with his situation that he had there. And I look at it as, you know, if there was someone that is abandoned, and they can be abandoned anywhere in town, who are the people that are called when the abandonment is found, live or dead? Firefighters are called, EMTs, first responders. [LB157]

SENATOR ERDMAN: Time. [LB157]

SENATOR STUTHMAN: Thank you. [LB157]

SENATOR ERDMAN: Thank you, Senator Stuthman. Senator Harms, you're recognized to speak on the motion to bracket LB157. [LB157]

SENATOR HARMS: Thank you, Mr. President and colleagues. I yield my time to Senator Pahls. [LB157]

SENATOR ERDMAN: Senator Pahls, you have 4 minutes and 50 seconds. [LB157]

SENATOR PAHLS: Thank you. Appreciate that. Senator Chambers, I want to try to answer some of the questions that you have brought to our attention. It has been explained to me that the volunteer firemen, they are trained. Because they're paramedics, they have this background. That's what I've been told. You have several questions: Well, people will not know what to do. That's one of the reasons why I said we need an education or an information type program out there, which is not in this bill but was in the one that I had brought forth. Anybody can bring that baby. You know, let's say if I didn't want to do it, I could give my baby to somebody else to bring to the hospital if I want to be totally not...and I know, to the extreme, I think we can solve some of these issues, because you said that you may just leave the baby outside. Well, I notice in Europe, I don't know if you've been listening to the radio or the TV lately, they've been talking about in some of the countries over there they're actually building little areas for a mother to drop their baby off and it would be inside the hospital. And here's another thing. I've looked at the nurses. They backed this concept. And see, here is where we're getting a little bit confused. You're saying the hospitals, all these organizations were against it. They were not in all cases. If you can recall, both of our bills were presented at the same time, and on one of the bills they said they did not because it wasn't strong enough; on the other bill they said it was okay. So that's what happens when you try to move two bills at the same time in committee. There was confusion. There were a number of supporters on LB6. So what I'm trying to do is, because I think that we need this safe haven, I'm willing to sit here and let's make some changes. But just by looking at that list of individuals, they were not all against it. And

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

what I thought was paramount to the very beginning, when they said, well, there's a similarity between which bills, which one would you pick? Well, one of the attorneys said, well, this bill has fewer pages. That came from a highly paid attorney. So I see where you're saying that there is some confusion and we do need to take a look at this. And, no, we may not have...this bill may need to...need some changes, but if you can recall at that meeting not everybody that's designated that were opponents were opponents of both bills. They liked what was in certain bills, but I think that part was not acceptable to the committee, so a lot of that was deleted. So I think we need to put that back in because I say, like in Texas, their program wasn't very successful until they had an education component. Then they found that something was happening. And, no, I do not know the number of babies that would be put in this position, but we do know, if you listen to the...or read the newspapers, every now and then a very young child has a shaken baby syndrome. I mean there are people out there who are frustrated, and I think let's help those people out. And as I said earlier, a number of the individuals who are involved with this are immigrants who are afraid what's going to happen, are young women who do not have supporting parents in this, or a person who was also involved. So there are some issues I think we need to get cleaned up. But not everybody was a naysayer at that hearing. I think is when we merged things together,... [LB157 LB6]

SENATOR ERDMAN: One minute. [LB157]

SENATOR PAHLS: ...some of the individuals did not care for one part of one bill, and one did not for the other. So I'm a little bit frustrated, but I'm willing to make this work. Okay. I'd like to call the question. (Laughter) [LB157]

SENATOR ERDMAN: Senator Pahls,... [LB157]

SENATOR PAHLS: I'm sorry. [LB157]

SENATOR ERDMAN: ...that motion is out of order. [LB157]

SENATOR PAHLS: I apologize. I just turned around and saw Senator Chambers, and he was giving me an interesting look, so I lost my attention. (Laughter) I'm trying to be diplomatic here. (Laugh) Thank you. [LB157]

SENATOR ERDMAN: Thank you, Senator Pahls. (Visitors introduced.) Senator Pahls, you are the next light. [LB157]

SENATOR PAHLS: Thank you. I was a little bit too fast. I would like to call the question. [LB157]

SENATOR ERDMAN: Question has been called. Do I see five hands? I see five hands. The motion before the body is, shall debate cease? All those in favor vote aye; all those

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

opposed vote nay. Have all senators voted who choose to? Record please, Mr. Clerk. [LB157]

CLERK: 15 ayes, 8 nays to cease debate, Mr. President. [LB157]

SENATOR ERDMAN: The request is not successful. We will continue on with the debate of the bracket motion. Senator Friend, you're recognized to speak. [LB157]

SENATOR FRIEND: Thank you, Mr. President. Members of the Legislature, as I mentioned before, I don't know whether the bracket motion is appropriate or not, but I will not, almost never, vote ever again to cease debate like that. I think you all kind of knew that. You know, we only have one Legis...we only have one chamber of the Legislature. We don't have a house of representatives, so. (Laugh) This is not funny subject matter. I'm sorry. Talked about, when I first rose, the philosophical arguments for and against safe haven laws. I'm not going to go into those. I believe there are good, sound philosophical arguments against safe haven laws, just like there are good philosophical, good, sound philosophical arguments against no-fault divorce ideas around this country, or what the cause and effect has been over the years of those type of approaches to public policy. I'm not going to go into that. As a practical discussion here, and the reason I probably won't vote to bracket this, is because I think I think, even though I disagree with some of the things that the Judiciary Committee did in changing this bill, I think this bill includes most of the things that safe haven laws around the nation require, or the approach that has been used, this bill includes most of it. Most of the...well, first of all, most states have safe haven laws. I don't know what the exact number is, it's in the forties, but most of them do. Most of the safe haven statutes, or I believe all of them, like I had mentioned earlier, designate a place where the baby would be dropped off. Each limits how old the infant may be. There's parental anonymity information, or most of the states include laws that deal with specific statutory authority in regard to parental anonymity. And then, like I said earlier, the fourth is that parental liability. That's what concerns me right now. Setting aside the philosophical argument, the thing that concerns me is the parental liability because it can be argued also, with all...with the majority of these states that have these safe haven laws, it can...you can make the argument, and it has been argued by a lot of adoption agencies and a lot of organizations that deal with this subject matter, that they haven't been that effective. They've been counterproductive. You know what has been productive? Awareness campaigns. Nowhere in this legislation do I see any information in regard to awareness campaigns. Take a woman who's nine months pregnant, who doesn't have the type of education and the experience and the knowledge that others might have in regard to this biological transformation. Heck, there's information out there. They've interviewed these people, and most of them come in, in these abandoned baby cases, and they go, I didn't know we had a safe haven law; how am I supposed to know that? We do not address that. We don't address the awareness campaigns, and I think that that's part of the thing we have to discuss. So aside from the bracket motion, if this thing can be

Floor Debate
March 09, 2007

fixed, I'd like to see it fixed. But after it's fixed comes the philosophical discussion.
[LB157]

SENATOR LANGEMEIER PRESIDING [LB157]

SENATOR LANGEMEIER: One minute. [LB157]

SENATOR FRIEND: Right? Because there are numbers out there that indicate the safe haven laws in this country have not been that effective. You've got adoption agency after adoption agency and departments and organizations all over this country that are not in line with the safe haven laws. And they also say...and there are some that are saying, these have been detrimental, these have hurt us in a lot of different ways. So what I would say is it just doesn't end after this bill is fixed. I think it goes on, and I think the philosophical discussion we haven't even gotten to yet. Thank you, Mr. President.
[LB157]

SENATOR LANGEMEIER: Thank you, Senator Friend. Next wishing to speak is Ashford, followed by Schimek, Chambers, and others. Senator Ashford, you're recognized. [LB157]

SENATOR ASHFORD: I wouldn't dare. The...this is a good discussion. Senator Chambers has been on the Judiciary Committee for 37 years, and I learn a great deal from him. (Laugh) And I know he was there when...weren't you? Senator Chambers, can I ask you a question? [LB157]

SENATOR LANGEMEIER: Senator Chambers, would you yield to a question? [LB157]

SENATOR ASHFORD: And what I may be doing is just asking a lot of questions. I have nothing particular to say, so I'm going to ask you a question. Do you...you were there when we went over this bill, weren't you? [LB157]

SENATOR CHAMBERS: And I was strongly opposed to it every step of the way.
[LB157]

SENATOR ASHFORD: You were opposed. [LB157]

SENATOR CHAMBERS: Yes, I was there. [LB157]

SENATOR ASHFORD: You were opposed, but you always, in my experience, you're a legislator before anything else and your comments are great. This is a good exercise in legislating, so let's legislate. What should we do, in your opinion, after all these years, what should we do to...what standard should we use? And, you know, let's just talk language. What language should we use to make this work? I don't know what else you

Floor Debate
March 09, 2007

see... [LB157]

SENATOR CHAMBERS: Senator Ashford, I don't believe in alchemy, I don't believe in magic, I don't believe in miracles. I cannot bring a clean thing out of an unclean thing, nor convert a sow's ear into a silk purse. We ought to kill the bill. If you asked for my opinion, that's what we ought to do. [LB157]

SENATOR ASHFORD: But there is no language, in all those years of experience, there's no language that you can think of to...other than professional standards of conduct? [LB157]

SENATOR CHAMBERS: I didn't put that in the bill. [LB157]

SENATOR ASHFORD: (Laugh) I know, but I don't know what other words you use, you know, that... [LB157]

SENATOR CHAMBERS: Well, it's up to you and those who support the bill to say what you mean by those terms. What I have suggested, Senator Ashford, is that the term is ambiguous. Nobody on the floor can say with certitude what that term means, so I had suggested that the way you get rid of ambiguity when you're legislating is to define the term to remove the ambiguity. [LB157]

SENATOR ASHFORD: Let's do that. If we define that term then we've got it. There is no more ambiguity and then what we're really talking about is policy issues, our policy issues, not wording issues. [LB157]

SENATOR CHAMBERS: And, of course, it would depend on what the definition of the term would be. [LB157]

SENATOR ASHFORD: But arguably, if we could come up with a definition, we could move on. [LB157]

SENATOR CHAMBERS: I don't think you can on this bill. [LB157]

SENATOR ASHFORD: If we come up with a...even...if we find a definition for "professional standards," then we can move on. [LB157]

SENATOR CHAMBERS: Well, not necessarily. [LB157]

SENATOR ASHFORD: (Laugh) [LB157]

SENATOR CHAMBERS: What would the definition be? That's what I'm continuing to ask. [LB157]

Floor Debate
March 09, 2007

SENATOR ASHFORD: Well, I'll find one. I mean, we've only got ten minutes, so I don't think I'll have...they'll have one between now and 12:00, but if we find a definition we can move on and vote on this bill and move it to Select File. [LB157]

SENATOR CHAMBERS: You hope. [LB157]

SENATOR ASHFORD: (Laugh) Legislating is a good process, and I think legislating on the floor is a lot of fun, and I hope we can continue to do that, and then vote on the bill and move it to Select File and we can legislate some more. Thank you, Senator Chambers, and that's all I have. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Schimek, you are recognized. [LB157]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I'm sorry I've been off the floor for awhile this morning taking care of something else, but I have heard part of the discussion and I feel as if I do need to explain my vote on the bill because I've had several folks ask me about it. I did not vote to advance this bill. I didn't vote against it either because it's pretty hard to vote against a bill like this, in many ways. But this bill has a history. I think that John Hilgert may have been the first one to introduce such a bill in the Legislature, and I think that Jennie Robak may have introduced such a bill. I know that Elaine Stuhr introduced such a bill. So at least from my memory this is the fourth time we've had this bill before us. And I don't have all those files from other years, and I don't have all that information at my fingertips right now, but I do recall that there was a lot of question about whether the bills passed in other states had actually resulted in any children being abandoned at any of the locations where the bill allowed them to abandon children. And I'll have to go back to those files and see if I can get an update on them, but that's one of my concerns; that it is a, perhaps, a feel-good kind of legislation that really doesn't do anything in the long run and, in fact, may even cause some problems. And I just happen to have in my file folder an article from the Lincoln Journal Star which quotes some of the people from the hearing, and there were people who found some serious problems. One woman, who's a Lincoln attorney, suggested that such laws can provide an incentive for abandonment. She also said that women in crisis who are thinking about abandoning a child are not the kind of people who are aware of the legal system. She said they are not going to stop and say, oh, I think I saw something about a new safe haven law; I think I'll go to the fire station. The Nebraska Medical Association did come in and say that a task force of physicians and doctors established after the first safe haven law was introduced three years ago concluded it does not make sense to pass the safe haven law. Safe haven laws are causing problems, not stopping them, and this was David Buntain, who was representing the Medical Association, and he was referring to a study, and I'm going to have to try to find this, a study by the Evan B. Donaldson Adoption Institute called "Unintended

Floor Debate
March 09, 2007

Consequences." Babies left in police stations and hospitals face long-term foster care and are deprived of all ties to families of origin, said Grace Sundermeier, a licensed mental health practitioner. Safe haven laws offer little to help frightened adolescents and women facing abuses or mental illnesses, she said, adding that it would be better to educate the public about resources available. There are a number of other things that I could go into. For instance, Health and Human Services came and testified that there were some problems. They didn't testify against the bill, and that's not their...they don't do that often, but they asked and posed these questions with the bill. Says in... [LB157]

SENATOR LANGEMEIER: One minute. [LB157]

SENATOR SCHIMEK: ...Section 3, the safe haven provider is to take custody of the newborn. The bill does not define what custody means, and I'm not going to go into detail about the rest of it. Section 1, line 7, applies only directly to the delivery of a child who is, as you know, 72 years (sic) old or younger. We've amended that now. But it seems unlikely that a firefighter or hospital staff person would be able to clearly distinguish the age of a child. What if somebody left a child that was 50 hours old and the bill said 30 hours old is the cutoff? I mean, what would you do? Health and Human Services says even though it may be unavoidable, the bill does not address the rights of both parents. This practice may potentially allow for a parent or designee to leave a child without the consent of the other parent and potentially deprive the other biological parent, who may not even know about the birth, to assert their rights regarding custody of his or her child. The bill also... [LB157]

SENATOR LANGEMEIER: Time. [LB157]

SENATOR SCHIMEK: Thank you. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Mr. Clerk, items for the record? [LB157]

CLERK: Mr. President, your Committee on Natural Resources reports LB677 to General File with amendments, LB594 indefinitely postponed, and LB704 indefinitely postponed; those reports signed by Senator Loudon. General Affairs Committee reports LB578 to General File with amendments, and LB181 indefinitely postponed; those signed by Senator McDonald. Priority bill designation: Senator Langemeier, LB343; Senator Fulton, LB198; Senator Friend, LB316; Senator Nelson, LB236; Senator Heidemann, LB636; Senator Pirsch, LB142; Senator Lathrop, LB674; Senator Cornett, LB588 and LB265 as Business and Labor Committee priorities. Amendments to be printed: Senator Rogert to LB255; Senator Harms to LB192; Senator White to LB497; Senator Erdman to LB286; Senator Raikes to LB223. An announcement, Mr. President: The Building Maintenance Committee will meet today at noon in Room 1023; Building Maintenance at noon in 1023. Senators Mines, McGill, Lathrop, and Kruse would like to add their

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 09, 2007

name to LB646 as cointroducer. (Legislative Journal pages 800-805.) [LB677 LB594 LB704 LB578 LB181 LB343 LB198 LB316 LB236 LB636 LB142 LB674 LB588 LB265 LB255 LB192 LB497 LB286 LB223 LB646]

And, Mr. President, a priority motion: Senator Avery would move to adjourn until Monday morning, March 12, at 10:00 a.m. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The motion before the body is to adjourn until Monday, March 12, 2007, at 10:00 a.m. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned. []